Dignity

The Report of the Truth and Justice Committee
All Burma Students' Democratic Front

Foreword

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Distinguished Committee Members,

As Ambassador of Switzerland to the Republic of the Union of Myanmar I would like to commend the efforts that your organisation underwent to establish the Truth and Justice Commission (TJC) and to allow it to pursue its work with the most independence possible.

My country has been supporting truth commissions, living memory activities and reconciliation efforts in many countries in the world, starting with South Africa and continuing with Guatemala, Argentina and Colombia, and currently in the Philippines, Nepal and the Balkans. Experience has shown that true peace can only be achieved when victims and survivors have been able to tell their story and the organisations and institutions concerned have taken responsibility as a collective; the individual perpetrators atoned for their deeds and the victims and survivors, through this process, achieve remedy and a degree of closure - even though one cannot undo what has happened. In doing so, survivors and perpetrators can be freed of the shackles of the past and can move forward in dignity. The telling can become an act of letting go and of restoring the dignity that has been shattered by the former experiences.

Nothing will bring back to life the 36 people who died under the responsibility of the ABSDF Northern Command in the period of 1991-1992. But how the organisation comes to term with what was committed in its name, and how the survivors receive some measure of satisfaction is the real test of the ABSDF's true valour today, as it strives to return to Myanmar and become an active part of the current changes in the country.

The report establishes a narrative of the events both from the survivors', the witnesses' and the alleged perpetrators' perspective. It looks at the abuses that were committed, puts them into a context and acknowledges them. Finally, it comes up with recommendations that have the great advantage of being few and implementable. If followed, they can make a real difference to the specific survivors and victims of these events, and perhaps to the many other survivors and victims of human rights violations and abuses in Myanmar. It takes courage for an organisation to admit recommendations that are uncomfortable. But by being willing to go through with a process like this, the ABSDF is showing commendable moral leadership.

We know, and you are going through the experience, it is a painful process for all involved: the survivors in retelling their painful stories, the alleged perpetrators in facing what they have committed, the Commission members in witnessing the pain and the organisation in having to take responsibility and own up to what was done in its name. This takes true courage.

After 25 years, learning to face what perhaps seemed justifiable at the time and acknowledging that today it no longer is, calls perhaps for more courage than fighting in the battlefield. I commend you for taking this difficult step in your already long journey for peace. I am honoured that the ABSDF chose to work with my embassy during this process. It has been a privilege to be part of this. I wish you all the best in this next step of your journey towards peace and my country is ready to continue accompanying you in these efforts.

Christoph Burgener
Ambassador of Switzerland
Yangon, Myanmar, February 2015

Acknowledgement

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The journey of the Truth and Justice Committee has been a long and difficult one. Looking back over the past three years the Committee is deeply honored to extend its appreciation to the following.

We highly honor the ABSDF Central Committee for taking the bold step of allowing the establishment of the Truth and Justice Committee to bring the truth and justice of its past. It is a historic initiative. The ABSDF is the first armed group in Burma that is dealing with its own past by investigating whether or not the human rights violations took place.

We are grateful for t courageous and extraordinary participation of fellow former members of ABSDF – Northern, and their family members. Even after facing countless difficulties, they took the time to share their stories with us. Without their generous contributions, the report would not have been possible.

We are deeply saddened by the losses of Aunty Hnin (the mother of Nang Aung Htwe Kyi), Zaw Moe (survivor), who participated but died before the publication of this report.

Meeting of the truth and justice committee

Our genuine appreciation goes to the Embassy of Switzerland of Myanmar for their support to this project when there were not many opportunities for funding this work. We thank you for this.

The Committee is indebted to ongoing assistance Patrick Pierce and a true friend for their technical and moral support from the beginning of this work until the end.

The Committee undertook this report with the aim of bringing dignity to the survivors, family members of those killed, the ABSDF, and everyone who was involved with what took place. We hope that it will be the beginning of healing for all.

Finally, we strongly urge the government of Burma, armed groups, and organizations working on human rights to begin taking their own initiatives to seek the truth, acknowledge the suffering of victims of human rights violations, and to begin to build justice and peace our country.

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Overview of the work of the Truth and Justice Committee

The Truth and Justice Committee of the ABSDF (TJC) was formed on January 8, 2012 to carry out an inquiry into the incidents of 1991-92 in the ABSDF-Northern Camp.

The TJC aimed to investigate these incidents in order to establish the truth about what happened, acknowledge the suffering experienced by the victims and survivors, and to contribute to a national process of reconciliation by addressing the human rights abuses that occurred within ABSDF.

The Committee had four objectives:

1. To collaborate with all persons involved in order to establish an objective historical record of the incidents
2. To provide victims of human rights abuses with some measure of satisfaction from having their suffering acknowledged
3. To foster understanding and solidarity among members and former members of ABSDF
4. Through truth-seeking and acknowledgement, to take a step toward accountability for the perpetrators of the incidents

An official apology letter of the ABSDF delivered to a father

Scope of Work

According to its mandate, the Committee investigated human rights abuses and the context in which they occurred. The TJC specifically focused on the following violations:

- Killings
- Torture and ill-treatment

The Committee focused its work solely on incidents that took place within the ABSDF-Northern Camp (Kachin State) between 1 August 1991 and 31 May 1992.
While the TJC considered issues of accountability, it did not have powers to determine whether an individual was legally responsible for a human rights violation or not.

The TJC recognizes that the issue of spy allegations is central to the incidents that took place in the ABSDF-Northern Camp. It was beyond the scope of the TJC's work however to determine the validity of spy allegations.

Structure

The Committee consisted of the following persons:

1. Myint Oo (Team Leader)
2. Kyaw Lin (Coordinator)
3. Thant Chein Myint (Member)
4. Aye Lwin (Member)
5. Nan Yin (Member - but she later resigned because of other job commitments.)

Meeting with the survivors

Methodology

The Committee members had three main tasks: documentation, outreach, and report writing.

The Committee began its work by informing victims, survivors, and other potential interviewees about the objectives, scope, and mandates of its work. It publicized its work among ABSDF members, and held meetings with survivors in Rangoon and Mandalay. These meetings were crucial to clarifying the Committee's truth seeking role, and managing the expectations set out by both survivors and the Committee itself.

The selection of interviewees for the victims, survivors and family members of those killed were solely arranged by representatives of the ABSDF – Northern. Survivor networks in Rangoon and Mandalay referred the Committee to survivors and family members across the country. The Committee also followed up on names given to them during interviews.

The Committee accessed potential witnesses and those involved with violations through ABSDF network and investigations.

The TJC took a trauma-sensitive approach to engaging interviewees. Given the emotional nature of the incidents, the Committee respected the choice of each person (survivors, witnesses or alleged perpetrators) to participate – or not participate in the process.

The Committee interviewed 64 people in total, including 35 survivors, 4 witnesses, 10 family members of those killed, 3 key leaders of the ABSDF HQ at the time, 5 out of 8 ABSDF – Northern leaders who got involved in the meeting that decided the executions of the 15 members on February 12, 1992, 1 Battalion Commander of the ABSDF – Northern, and 6 political colleagues of the those killed.

The TJC conducted face-to-face interviews in a variety of locations such as Pegu, Mandalay, Rangoon, Katha, Laiza, and Kyaikto in Burma; and Mae Sot and Chiang Mai in Thailand. Several interviews were also conducted via Skype and email with people living overseas in the United States and Australia. Each interview was recorded with sound recorder and/or video. A consent form was provided to each interviewee for their approval to use the data in the report.

The TJC strove to be independent and impartial in its pursuit of the truth. It sought to collect and present information from people involved in all aspects of the 1991-92 incidents. This

The TJC strove to be independent and impartial in its pursuit of the truth. It sought to collect and present information from people involved in all aspects of the 1991-92 incidents. This included offering those allegedly responsible for violations the space to defend themselves against allegations, and to explain their motivations.

The Committee focused primarily on first-hand accounts gathered through interviews. It also looked at official ABSDF documents (i.e. Constitutions, policy documents, and press releases). The Committee did not use secondhand accounts, personal reflections, or media articles.

Limitations and Challenges

The Committee faced a number of challenges in carrying out its work. The first of these was that it had to wait until the ABSDF formally signed a cease-fire agreement with the government in order to be able to travel inside to conduct interviews and gather data. This only took place in August 2013 resulting in a delay for the report.

The biggest challenges faced by the TJC team were interviewing and gathering data from those potentially involved in, or those who had witnessed violations. The TJC found it especially hard to access members of the Intelligence Unit of the ABSDF – Northern, who are believed to have been present and instrumental in almost all of the interrogations that took place. The TJC made numerous inquiries but was unable to locate any member of the Unit.

Other alleged perpetrators also remained out of reach, notably two high-ranking persons who the TJC believes initiated the 1991-1992 incidents. The TJC's request to conduct an interview with Than Chaung in the government prison was unsuccessful. Myo Win was killed in action in 1992.

Due to its limited resources and time frame, the Committee regrets that it was not able to interview all victims, survivors and families.
Another challenge of the TJC's work was the passage of time since the events took place. Interviewees sometimes struggled to remember details and dates of events that had taken place over two decades before.

Despite these challenges, the ABSDF Truth and Justice Committee aimed to carry out its work with dedication, and with the best interests at heart of those who suffered during the 1991-92 incidents in the ABSDF-Northern Camp. Nonetheless the TJC acknowledges that because of these challenges there may be some questions that are unanswered by the report.

We believe that this initial effort by the ABSDF to come to terms with the injustices and violations of the past will contribute to a national effort to transition to a genuine democracy. Recognition and acknowledgement of human rights abuses is a beginning, not an end.

Chapter 2 - Executive Summary

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Executive Summary

Thousands of students involved in the 1988 pro-democracy movement in Burma left for ethnic-controlled areas when the military staged a coup on September 18, 1988. On November 1, 1988, they formed the All Burma Students' Democratic Front (ABSDF) in the Karen National Union (KNU)-controlled area called Kawmura.
Around the same time students established ABSDF-Kachin Camp in the area of northern Burma controlled by the Kachin Independence Organization (KIO). Later, as more students from different parts of the country joined the camp, the students changed the name of their camp to ABSDF-Northern.

In August 1991, amidst growing suspicions that government agents had infiltrated the camp, a number of ABSDF-Northern members were arrested and detained on charges of being spies. Many were allegedly tortured and some reportedly died during brutal interrogation sessions or from detention conditions. Tensions continued and the number of arrests rose. By the beginning of 1992 106 ABSDF-Northern members had allegedly been detained, and over 20 killed. On February 12, 1992 fifteen of the remaining detainees were executed on orders of the ABSDF-Northern Central Committee. Of those detainees who survived, approximately 55 escaped in May 1992 to the Sino-Burma border where they were arrested by Chinese authorities and later handed over to Burmese officials. Others returned to homes in Burma via other means.

The Truth and Justice Committee of the ABSDF (TJC) was formed on January 8, 2012 to carry out an inquiry into the incidents of 1991-92 in the ABSDF-Northern camp. The Committee aimed to establish the truth, and to restore the dignity of those who suffered. The TJC also strove to be a forum for those involved to discuss what happened with the hope that it would provide a measure of reconciliation among the persons involved, and allow current and former members of ABSDF to work together for our common aims of restoring democracy in Burma. In 2013-2014 the TJC interviewed over sixty people related to the incidents including survivors, family members of those killed, witnesses, and alleged perpetrators. The report presents and analyzes these first-hand accounts to take a first step at establishing a clear historical record of what took place in the ABSDF-Northern Camp.

The Truth and Justice Committee focused on two types of human rights violations that took place within the ABSDF-Northern Camp: extrajudicial killings; and torture and ill treatment. It analyzed evidence collected from interviews to determine if the incidents amounted to human rights violations under international human rights law.

The Committee documented 36 extrajudicial killings that took place in the ABSDF-Northern Camp between August 1991 and April 1992. It found that:

- 15 people were executed on February 12, 1992 on Assam Hill
- 2 others were executed in the Pha Kant area in 1992
- 11 people were killed during interrogations (Most deaths were linked to torture)
- 8 people were killed in detention (Killings were linked to a variety of factors including torture [beatings, shootings and denial of medical care] and the cumulative effect of detention conditions)

The TJC found that torture was used extensively against detainees. It was most often practiced during interrogations with the aim of getting detainees to confess to being spies and provide information about alleged contacts and activities. Widely used forms of torture during interrogation included:

- Electric shock
- Beatings
- Dropping of hot tar on the body
- Burning with hot nails/knives
- Rolling on the shins with bamboo rods
- Chopping of wrists

- Use of detonators (group interrogations)

Torture was also used outside of interrogations to intimidate and humiliate detainees, and to punish them for violating strict 'rules' of detention. This was accompanied by living conditions that amounted to ill-treatment. Detainees were subject to beatings at any time. They were blindfolded, forced to wear shackles, and had their hands ties behind their backs except during daytime work periods. At night detainees were restricted to urinating in small bottles and forced to hold forced postures (i.e. sleeping on one side) without moving.

The report explores the context in which these violations were able to take place. Some of the factors that are believed to have contributed to the incidents include the hierarchical nature and strict military culture of the ABSDF-Northern Camp, lack of trust and factionalism in the camp, a leadership structure that concentrated power in the hands of senior military leaders, isolation of the camp and lack of awareness about human rights, and ongoing repression from the Burmese government. The ABSDF-Northern Intelligence Unit played a key role in driving events. Instead of gathering data on Tatmadaw movements, it focused on monitoring ABSDF members of all rank and level. Taken together these factors created a climate of fear, paranoia, and unchecked power in the ABSDF-Northern Camp. The desertion, arrest and killing of Soe Min Aung in early August 1991, on the eve of 8-8-88 commemorations, were the sparks that ignited tensions and unleashed the wave of arrests, torture, and killings.

This report also describes the challenges and painful experiences of the survivors, family members and the alleged perpetrators. While some survivors reported that they were impacted physically (wrist pain, joint pain and head injuries), many spoke about the emotional and social toll that the incidents took on their lives. Many reported a lack of trust in ABSDF members or people in general. Some feel angry and experienced outbursts of aggression. Others deal with ongoing feelings of sadness and loss. Many feel that the stigma of being labeled, or having a family member labeled as a spy, is the most difficult challenge. The survivors and families of victims in Katha painted a particularly poignant portrait of the ongoing effects of what took place in the ABSDF-Northern Camp. Some relatives of those killed remain mistrustful of those who survived. There is an urgent need to provide effective remedies to help those affected by ongoing pain, trauma, and marginalization.

While the Committee was not a legal entity imbued with the power to determine legal responsibility for violations, it addresses the issue of accountability in this report. It looks into the issue of organizational accountability on the part of both ABSDF-Northern and ABSDF Central Leadership at the time.

In terms of the ABSDF-Northern, the TJC made the following findings:

- The ABSDF-Northern acted alone.
- Military leadership, and particularly the Intelligence Unit, was key perpetrators of arrests, interrogations; and killings, torture and ill-treatment during interrogations and detention.
- Central Committee members of the ABSDF – Northern had overall command responsibility for the human rights violations that took place. Some Central Committee members of the ABSDF – Northern also played direct roles in perpetrating violations.

In terms of the ABSDF Central Leadership, the Committee found that:

- the ABSDF Central Leadership had little to no effective control over the ABSDF-Northern Camp at the time of the incidents due to geographical distance, communication challenges, and the loose nature of the relationship between ABSDF HQ and its camps at the time.
- the ABSDF Central Leadership was informed about incidents in the Northern camp by at least three different ways during its fractious Third Conference. Key leaders at the Third Conference were aware that arrests and killings had taken place.
- the ABSDF Central Leadership failed to adequately respond or address the incidents in the Northern Camp during its Third Conference. The failure to do so lead to new and ongoing violations.
- the ABSDF made some efforts to address the situation in the ABSDF-Northern Camp such as sending an advice-giving message via telegraph, dispatching Kyaw Kyaw (an ABSDF- Northern delegate at the Third Conference) back to the camp, and sending Dr. Naing Aung to visit the camp after the executions. These however had little impact on preventing or addressing violations, or bringing about an end to the crisis.

- two of the statements released by the ABSDF in the wake of the executions described them as acts against "government spies." This sent the signal that ABSDF Central Leadership condoned the executions in some ways.

The report publishes a list of names of those believed to have been part of the ABSDF-Northern Central Committee and Intelligence Unit during the 1991-1992 incidents. Alongside this it publishes quotes from witnesses and alleged perpetrators about how they view accountability in the current context. While the TJC could not determine individual responsibility, it hoped that these lists and quotes will prompt further discussions about dealing with the past.

The Truth and Justice Committee believes that this report represents an important first step by the ABSDF to come to terms with the violations committed within the ABSDF-Northern camp. Acknowledgement of the suffering of victims and survivors is central to restoring their dignity, and the organization itself.

Recommendations

The report concludes with a short list of recommendations to practically address the incidents that took place in the ABSDF-Northern Camp. The Truth and Justice Committee believes the following recommendations are in the best interests of the survivors, the family members and the ABSDF as a whole.

To the ABSDF

- Provide health assistance and rehabilitation services to survivors and the families of those killed.
- Officially reinstate the ABSDF membership of those who had it taken away.
- Individuals responsible for violations must provide official apologies.
- Revoke the leadership position in Central Leading Committee of any person involved in violations in the ABSDF-Northern Camp. Bar any person involved in violations in the ABSDF-Northern Camp from holding leadership positions in Central Leading Committee in the future.

To the government of Burma

- Enact policy and legislation to provide rehabilitation* to survivors and victims of the ABSDF –Northern Camp and all victims of human rights violations.
- Recognize the report of the Truth and Justice Committee and support future initiatives for dealing with the past.
- Help to build a society that respects the Rule of Law and promotes accountability.

To national human rights groups and civil society organizations

- Actively support truth-seeking initiatives and investigations that shed light on human rights violations.
- Launch and/or promote initiatives that honor the victims and survivors of the ABSDF-Northern Camp, and all victims of Burma's conflict.
- Assist in providing psychosocial support and rehabilitation services for survivors and victims of violations in the ABSDF-Northern Camp, and all survivors of human rights violations in Burma.

Chapter 3 - Context

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Context

A nationwide uprising calling for the restoration of democracy and human rights in Burma was launched on August 8, 1988. As in other parts of the country, protests were organized in cities and towns in Kachin State and the Sagaing Division of Upper Burma. Local students who studied at universities in Rangoon and Mandalay were the driving force behind most of the pro-democracy protests in Moe Nyin, Moe Kaung, Bamaw, and Myitkyina in Kachin State; and Wuntho and Tha Kha in Sagaing Division.

After the Burmese government army (the Tatmadaw) staged a coup on September 18, 1988, thousand of students fled to the areas nearest to them controlled by ethnic armed groups. With help from these groups, they began to set up small camps along Burma's borders with Thailand, China, and India. The All Burma Students' Democratic Front (ABSDF) was formed at Kawmooyar Camp on the Thailand-Burma border on November 1, 1988, to unite all students in one army.

The establishment of the All Burma Students' Democratic Front –Kachin (ABSDF-K)

Student activists in Kachin State and Sagaing Division fled to the area near Laisin/Pajau which was under the control of the Kachin Independence Organization (KIO) and Kachin Independence Army (KIA). The earliest groups of students and local youth to arrive came from five townships in Kachin State: Myitkyina, Moe Nyin, Moe Kaung, Pha Kant and Bamaw. The first batch of students to arrive came to be known as Intake #1 and is believed to have numbered 100 persons. During that time, a committee was formed to maintain relations between the students and the KIA. The committee was comprised of student leaders representing five townships in Kachin State. That committee was known as the 5 Man committee. The members were:

1. Joe Phyu (aka) Ko Ko Naing (Moe Kaung)
2. Kyaw Kyaw (aka) Kachin Kyaw Kyaw ,Myitkyina
3. Saw Min Aung (aka) Bo Saw (Shwe Ku)
4. Gabam (Bamaw)
5. Than Chaung (Moe Nyin)

Since the students required military training to set up their camp, the KIA provided close supervision and support to Intake #1 in the first three months after their arrival.

During this time a smaller number of students and youth from the Sagaing Division also formed their own group with the aim of penetrating their home division. Calling their organization the All Burma Students' Democratic Front Sagaing, these students also enjoyed the support of KIA. They lived and trained together at the same camp as the Kachin students, although they maintained their own barracks. Although the groups lived and worked together, the TJC heard that there were some disagreements between ABSDF-Kachin and ABSDF Sagaing over political strategy. According to reports told to the TJC, the Sagaing students wanted to develop a separate regional committee and focus on building resistance in Sagaing Division. The Kachin students believed that all the students based at the Laisin/Pajau Camp should work under the ABSDF – Kachin.

The training of Intake #1 took place over three months from October to December 1988. During this time the Revolutionary Democratic Students Committee (Ad hoc) was formed by the students of the Intake # 1 on October 1988. Shortly afterwards the All Burma Students Democratic Front formed on the Thai-Burma border on November 1, 1988. Therefore, the name was officially changed to All Burma Students' Democratic Front – Kachin.

After formally establishing themselves, the students created and elected a structure to run the camp. They modeled their new governing body on that of their trainers, the KIA/KIO. The Politburo system focused on policy affairs and emphasized a top-down leadership style. At this time there was only one battalion (Battalion #701). The Military Affairs-in-charge because he served as the Battalion Commander and oversaw all military activities, held a great amount of power. The Central Committee oversaw day-to-day management of the camp while the Politburo members provided political leadership.

Only students from Kachin State and Sagaing Division were allowed to take part in elections. The elected officials were the following:

Politburo

1. Hlwan Moe
2. Hla Htay
3. Nay Doon

Central Committee

1. Kyaw Kyaw (Chairperson)
2. Than Chaung (Military Affairs-in-Charge)
3. Myo Win (General Secretary)
4. Aung Gyi (Finance,

5 Sein Aye (member)

6 Zaw Win Chit (member)

7 Tu Tu (member)

8 Khin Maung Win (member)

9 Aung Moe Kyaw (member)

10 Saw Yin Htwe (member)

11 Than Zaw (Member)

12 Maung Htwe Aung Htwe) Member

Transition to All Burma Students' Democratic Front - Northern

With momentum building in the post 8888 movement and increased political suppression inside the country more and more students and youth joined the ABSDF in 1989 1990 and 1991 Instead of traveling to the ethnic army-controlled areas closest to them, many students now made their way to camps where they had political contacts Like other camps the ABSDF Kachin Camp began to receive new members from across Burma.

Many of these new members made contact with ABSDF Kachin through student activists in Mandalay and Upper Burma The Association of Students and Youth National Politics, and the Graduates and Old Students Democratic Association (GOSDA channeled public and political support under the patronage of Sayadaw Ashin Nyanissara Mandalay activists also formed an underground network to provide assistance to the camp

The main tasks of this underground network were to engage with political forces inside Burma deliver political statements and support letters to organizations on behalf of the ABSDF Kachin and to provide material support such as medicine food and funds to the camp The network also provided directions and logistical support to students wishing to join the ABSDF Kachin Most took the train to Bamaw and made a five-day journey on foot to the ABSDF Kachin Headquarters in Laiza (Pajau) A few came by car on the Shwebo-Muse road and through China.

From December 1989 onwards many leading members of the underground network also followed this path and joined the ABSDF Kachin These included Htun Aung Kyaw Ronald Aung Naing, and Soe Lin The camp began to swell with new members from Mandalay Rangoon Bago and other parts of southern Burma

By the time the ABSDF Kachin began training in cake #5 in November 1989 the camp held an estimated 500 student soldiers from at least five different states and divisions Beside Battalion #701 a new battalion called Battalion # 702 was formed A battalion of fifteen students from ABSDF Headquarters Battalion #501 Pa Laung Area) joined the camp in 1990 Centrally commanded by the main headquarters in Laiza (Pajau) these three battalions operated out of four smaller posts in Bamaw Pha Kant Moe Nyin and Shwe Ku alongside KIA troops.

The dramatic increase in the size and influx of recruits from broader Burma lead to calls for the need to change the structure and title of ABSDF Kachin According to those who spoke with the TJC it was not an easy process There were many heated discussions An Election Commission was established and given nearly five months (from February to June 1990) to come up with ways to restructure the organization. Representatives from five regions Rangoon Mandalay Kachin Shan and Sagaing were nominated to serve on this Commission.

The Election Commission made fundamental changes In order to decentralize leadership the three-member Politburo was disbanded and the Central Committee was put in charge of running the organization The Central Committee Executive Team held the greatest power and was comprised of seven people one chairperson (the most senior leader in the camp three vice chairpersons a general secretary and two joint secretaries The highest military position was the Chief of Staff The holder of this position was also vice Chairperson 1 giving him dual power. The Executive was supported by four Regional In Charges representing the four outposts Bamaw Moe Nyin, Sagaing, and Shwe Ku

The Central Committee was expanded and new departments were created to support the Executive. These departments focused on political and logistical support and included finance, political organizing, information and health. This expansion was intended to shift camp governance from a military-oriented top-down leadership to a more consultative structure that prioritized balanced political affairs alongside military operations.

1. Tun Aung Kyaw (Chairperson)
2. Than Chaung (Vice-chairperson 1)
3. Kyaw Kyaw (Vice-chairperson 2)
4. Than Lwin (Vice-chairperson 3)
5. Aung Naing (General Secretary)
6. Myo Win (Joint Secretary 1)
7. La Seng (Joint Secretary 2)
8. Nay Dun (Central Committee Member - Fundraising)
9. Aung Gyi (Central Committee Member - Finance)
10. Ar Seit / Tin Maung Aye (Central Committee Member - Information)
11. U Sein (Central Committee Member-Justice)
12. Soe Lin (Central Committee Member - Political)
13. Myint Kyaw (Central Committee Member- Audit)
14. Yan Naung Soe (Central Committee Member - Health)
15. Kyaw Kyaw Ohn (Central Committee Member - Sagaing Region)
16. Sein Aye (Central Committee Member - Kachin Region)
17. Ye Lin (Central Committee Member - Yangon Region)
18. Win Thein (Central Committee Member - Shan Region)
19. Nyi Nyi Kyaw (Central Committee Member - Mandalay Region)

Yet in reality the new structure also helped to further concentrate power in the hands of military leaders. Military leaders were appointed not elected so there was no change in leadership. There was only an increase in the number of military personnel (battalion commanders, training officers and regional in charges) to reflect the increase in number of battalions. The Chief of Staff oversaw all military operations, making it a powerful post. Under the revised structure the Chief of Staff (Than Chaung) was also able to run for and hold a Central Committee Executive position. This gave him dual roles and decision-making power over both military and political affairs. This dual role posed a structural risk to the overall authority of the Chairperson.

The Election Commission also expanded the Military Intelligence Unit that was based at the Laisin Pajau Camp. A Headquarters Security Unit was also formed to provide security of the camp.

One of the most important changes made by the Election Commission was to the elections process itself. It abolished the policy allowing only students from the Kachin area to hold leadership posts, and put procedures in place to ensure that students from all areas would be represented. The students were broken into smaller regional groups, each of which nominated several representatives to stand in the elections. Camp members cast their votes for this pool of nominees to determine who would take up Central Committee positions. The top vote getters then met privately as a group to allocate positions amongst themselves.

Elected members from Sagaing Division and Lower Burma took up the majority of positions in the Central Committee's new political departments. According to reports Myo Win, General Secretary of ABSDF Kachin, received few votes in the election but because of his previous position he was given the relatively senior position of Joint Secretary 1 to maintain good relations. According to reports, he later appointed himself as the Vice Chief of Staff when Than Chaung was injured on the front line.

The transition appeared to be successful. In June 1990 ABSDF-Northern was at the peak of its achievement. The internal military and political structures worked well together, the alliance with the KIA was strong, and the organization enjoyed public support from groups

ns de Burma. Yet beh nd the scenes tensions were rising and cond t ons were already form ng that wou d set the stage for the events of late 1991 and early 1992

July 1990- July 1991: Growing Tensions, Growing Suspicions

A number of events factors and underlying inf ences n he environment contributed o creating a context where arrests torture Il treatment and extra judicial kil ngs took place n the ABSDF Northern Camp starting n August 1991 Some were difficu t es faced by a ABSDF camps while others were unique to the Northern context

The Strict Mi itary Culture of the ABSDF-Northern Camp

The ABSDF Northern operated under str ct mi tary d sc pline All of the people that the TJC nterviewed spoke about t many of them with pride Fo ow ng the examp e of the r Kach n trainers and ch ef al es ABSDF Northern members adopted a camp cu ture that placed the h ghest value on respect for auth-rity reg mented self d sc pline and following orders Unl ke other ABSDF camps at the time there was ess space for quest on ng dec sions and little tolerance for those who were lax about camp ru es

D sc p ne was nstilled from the beg nn ng as part of tra n ng. Ronald Aung Naing to d the Comm ttee

"We have a training department The trainers were originally trained by the KIA with strict military rules. So when we made our own army we applied the same rules myself got slapped and punched during the training.

Hierarchy

The ABSDF Northern Camp culture emphasized h erarchy and d visions between peop e n pos tions of auth-rity and ord nary members. Th s man fested tself n a var ety of ways Re at onsh ps and commun cat on sty es were forma at al mes t a sold er of lower rank met a sen or anywhere they had to sa ute Those who failed to salute could be pun shed Central Committee members had their own barracks that were separated from the barracks of rank and fi e so diers by a large fie d CC Executive members had persona a des (other ABSDF members) who did their cooking and washing

Strict Rules and Punishment

Th ose who broke camp codes were qu ck y and sometimes severely punished Even m nor transgressions such as fa ng to salute could earn someone a slap Compared with other ABSDF camps. punishments were harsh For nstance one sur vor reco nted to the TJC how an ABSDF member was smacked th rty times for visit ng another h l area patro led by another un t) without get ng perm ss on n other ABSDF camps punishment for th s offence r ormal y ent a ed assign ng the offender to cooking duty or giving them extra work such as collect ng firewood

Somet mes pun shment was even more extreme The execut on of Hlwan Moe in Apr 1990 s a pr me example of th s According to mu tip e witnesses and survivors who spoke with the TJC. H wan Moe a found ng Politburo Member of ABSDF Kach n was deta ned in Apr 1990 There was d fference opin on among nterviewees about the reasons for h s arrest Most said that t had to do with a eged misuse of ABSDF funds and corruption A few said that he was deta ned on al egat ons that he was a spy for m tary nte igence Whatever the charge H wan Moe faced the harshest pun shment On Apri 6 he was interrogated and executed n front of the whole camp.

Nang Aung Htwe Kyi described what happened:

"When we were at the assembly on the training ground they brought out Hlwan Moe with his hands tied behind his back At that time we were all standing in a semi-circle and looking as they [the guards] were digging At that time Than Chaung was very angry heard Than Chaung ask Are you military intelligence?" Hlwan Moe answered 'Let me be intelligence for the Burmese Communist Party That s all heard And then Than Chaung shot Hlwan Moe two times..it happened right before all of us while we were standing still.. Then his body was

Chaung ask 'Are you m·ntary intelligence?' Hlwan Moe answered 'Let me be in eligence for the Burmese Communist Party' That·s all' heard' And then Than Chaung shot Hlwan Moe two times' t happened right before all of us while we were standing still' Then his body was put into the hole"

According to mu·tiple eyew tnesses, Hlwan Moe was bur·ed and ABSDF members were ordered to march over his grave

The apparent lack of due process and brutal nature of the pub·c execution set a precedent for how a·leged rule breakers and spies would be treated in the camp The fact that Hlwan Moe was one of the highest ranking off cers in the camp at the time also showed that no one was safe from execution or harsh punishment

According to several reports, the execution raised concerns from the Kach·n Independence Army They adv·sed ABSDF leadership not to repeat the act on noting that sen·or leaders should not be treated in that way

Lack of trust/factional sm

Despite the work of the E·ect on Commission and the transit on to the new structure of the ABSDF Northern Camp there was st·l a lack of tr·st between different groups of ABSDF members based on ethnicity background, and position in camp As suspicions grew t was often along these fault lines

Lack of trust between frontline sold·ers and those based at Headquarters
W·th the format on of the ABSDF Northern and an ·ncreas·ng number of peop·e conduct·ng po·it·cal and d·plomat·ca· work there were ·ncreased tensions between sold·ers in frontline pos·tions and those in more camp based jobs at the Ka·n Parjau Headquarters

As some witnesses and survivors told the T·C many at the front·ne fe·t that those work·ng at Headquarters were not rea· sold·ers They were seen as lazy ·acking comm·tment, or unable to dea· with the cha·lenges of military life

People based in po·it·cal non-m·l·tary pos·tions were also seen as complainers and even troub·emakers for quest·on·ng the way th·ngs were done in the camp

As Aung Swe Oo told the Committee
"We were at the frontline We were fighting at least three times a month If there was no offensive then we launched an offensive It was constant fighting Then we heard that there were protests at the HQ and we as a troop in the battle were angry to be honest We were trying very hard. On top of poor living conditions, sometimes we didn·t ha·e anything to

trying very hard. On top of poor living conditions, sometimes we didn't have anything to eat. Why were they making trouble while they were living in stable conditions? Why couldn't they stay peacefully? That is why the frontline troops were angry."

Tensions between founding members and more recent arrivals

The rapid expansion of the camp from 100 to over 500 members, paired with an influx of students from different parts of the country also created tensions. Like most ABSDF camps, students from different ethnicities and geographical regions had little interaction or exposure to each other before entering the camp. This posed a challenge across ABSDF as students had to adapt to new styles of cooking, communicating and living together. In ABSDF Northern, the founding members (predominantly from Kachin State) had to adapt to culture and communication styles of students from a variety of ethnic groups and cities across the country.

Some witnesses who spoke to the TJC told how earlier arrivals perceived the new students as having less discipline. Some felt that as a result the camp was becoming chaotic and harder to control. They became increasingly concerned that the camp was at risk of being compromised or attacked.

These suspicions increased with losses at the frontline in late 1990-1991. Several witnesses told the TJC that there was a sense at the time that government (Tatmadaw) troops always seemed to know what ABSDF Northern soldiers were going to do. Frontline soldiers began to suspect that people within their ranks were supplying the Tatmadaw with information.

The arrival of new students also raised safety concerns among some at camp. With so many people coming from far away places, it was harder to verify a person's family or political history. Existing ABSDF members closely watched how people arrived and monitored their behavior as they settled into camp life.

Underlying tensions between students from Kachin State and those from Sagaing Division. According to what witnesses and survivors told the TJC, tensions between students from Kachin State and Sagaing Division continued even after their unification as ABSDF Kachin and later ABSDF-Northern.

The TJC received a report from one witness about the killing of 2-3 ABSDF members from the Sagaing Division in December 1990. Although the TJC was not able to determine exactly what happened or who was responsible, it believes that there is a possibility that the killings were linked to ongoing tensions between members from Sagaing Division and others in ABSDF Northern.

Isolation and lack of awareness about human rights

Compared with other ABSDF camps, the ABSDF-Northern Camp was isolated. It lacked access to international NGOs, activists and media that made frequent visits to the many camps closer to the Thai-Burma border. As a result ABSDF Northern soldiers did not receive the same exposure or access to human rights training that their colleagues in the South did.

Ongoing Repression from Burmese government

Government repression of political and armed groups was relentless after the September 18, 1988 crackdown. The ABSDF and students across the country were the main targets of government repression. Thousands of students and protesters were arrested and thrown into prison for extended sentences. Tatmadaw military intelligence operated a vast network of spies and informers that helped to capture underground cells and intercept students fleeing for the border. Fears of government spies and infiltration ran through all ABSDF camps in the early 1990s. In the Northern Camp, rumors swirled and contributed to a climate of heightened fear and mistrust.

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Increased Paranoia and Internal Spying

While most ABSDF camps had Military Intelligence Units, their role normally focused on gathering information about Tatmadaw troops. The ASBDF Northern camp was different. In 1990-1991, its newly expanded Intelligence Unit focused on internal investigations. With underlying mistrust and factionalism and increasing fears about camp safety, Intelligence Unit members began to monitor an increasing number of people of all ranks, from Central Committee members to ordinary soldiers.

The intelligence unit also drew others into their activities. According to accounts given to the TJC, individuals were quietly asked to watch people close to them. This included monitoring their activities, relationships and movements for any sign that they might be working with the enemy or other spies based within the camp. Those asked to spy included Central Committee members and rank and file soldiers. Internal spies were offered money for their work, providing extra incentive to keep tabs on one another. This high level of internal surveillance only heightened feelings of distrust in the camp.

August 1991: Tensions explode

Tensions in the ABSDF Northern Camp were running especially high in late July early August 1991, in the run up to the third anniversary of the 8-8-88 uprising. The ABSDF Northern camp planned a commemoration for the day and invited high-level political leaders including officials from the KIA and KIO. As the anniversary edged closer, rumors began to swirl that Tatmadaw agents planned to infiltrate the event and poison guests. Fears about camp safety and the security of invited KIA/KIO guests was at an all time high.

It was during this time (the first week of August) that Soe Min Aung, a runner for the 501 Battalion Commander, deserted his post. A new and reportedly uncommitted arrival at camp, Soe Min Aung had been avoiding starting military training that was compulsory for all ABSDF Northern members. He had just been ordered to start when he fled. He was quickly recaptured and taken back to the Bamaw post where he was interrogated.

Soe Min Aung was tortured extensively during interrogation and died as a result. Before he was killed, a list of names began to form of other alleged spies around camp. By the end of August 1991, alone more than 60 ABSDF members were arrested with at least 6 of these killed during interrogation.

New ABSDF members, those with camp-based or political jobs, and students from Sagaing Division made up the vast majority of the victims.

Chapter 4 – Human Rights Violations

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This chapter illustrates the human rights violations that took place in the ABSDF Northern during the period of 1991 1992

The Truth and Justice Committee analyzed data collected from interviews to determine if it amounted to human rights violation under definitions set out by international human rights law

The Committee focused on two major human rights violations that were committed during the whole course of the incidents Extrajudicial Killings and Torture The extensive details of each violation with first-hand accounts of the survivors and witnesses and the other involved are presented below

The Committee in no way concludes that other rights were not violated in the course of the 1991 1992 incidents. It is our sincere regret that other violations may or may not have been committed

Chapter 4 – Human Rights Violations – Torture

50 A a The Dignity Repor 0 Comments A a

During the co urse of its work, the Truth and Just ce Comm tee investigated a legat ons of torture at the ABSDF-Northern Camp The Comm ttee drew on nternat onal human rights law to determ ne whether or not torture took place

To define torture as a human rights violat on under nternational aw the following four elements must be present

- Severe pain or suffering, whether mental or physical
- Inflicted intentiona ly
- It must be State Action
- Done with a particu ar purpose, such as to obta n nformation or a confess on to pun sh, or to intimidate

According to the data that the Committee has collected, the treatment of those arrested under the suspic on of being "spies working for the enemy" at t mes constituted torture n review ng the elements. the Committee found that victims suffered severe pa n and suffer ng of both a phys ca and or menta nature Element 1) Many v ctims suffered both menta y and phys ca y The pain was nfl cted ntentiona y Elemen 2) under the authority of ABSDF Northern Camp eaders (Element 3).

The Committee found that torture was most often used during nterrogat on for the purpose of getting detainees to confess to being spies and provide nformation about the r contacts and a eged activities Torture was a so comm tted outside of interrogations to intim date deta nees and pun sh them for violat ng strict rules of detention (Element 4).

Dhn Kyaing, a survivor recounts his story

Torture during Interrogation

The majority of survivors that spoke to the TJC reported that they were interrogated extensively nterrogat ons started at or soon after arrest and for some cont nued regu arly throughout months of detention Most nterrogat ons took place at the nte igence Unit barrack. They typ ca ly asted 2-4 hours but some lasted much onger even overn ght Many survivors told the TJC about how they endured a range of different types of torture during nterrogat on sessions. These ncluded

- electric shock
- beat ngs
- dropp ng of yin baung gyan (hot tar) on body
- burn ng with hot na s/knives

- suffocation with plastic bag
- rolling on the shins with bamboo sticks

Kyaw Myo, a survivor recounts his story

Electric Shock

The Committee found that electric shock was one of the most common patterns of torture. It was reportedly only used at the Laisin/Pajau Headquarters, where interrogators made use of military hand-powered (crank-powered) phones to generate electrical charges to use against victims. In his account to the Committee, Yeh Lin Aung describes the pain inflicted by this device:

"I was given electric shock that was generated from the military-use crank telephone. Two wires were attached to the crank telephone. Then they aggressively turned the crank, which generated voltage. I couldn't take it. They didn't stop it. They put the wire on my big toe and here and there on my whole body. I really couldn't take it when [they were] turning the crank."

Kyaw Khine Win, the personal assistant of Than Chaung, told the Committee how Tin Maung Aye (also known as Ar Seit) was brutally shocked:

"I sadly saw how Ar Seit was brutally tortured, right before my eyes. Than Chaung himself got involved. During the interrogation, they put a wire in his anus while generating the electricity from the generator. Then they made a hole in his ear and attached it to his arm.

When he was given the electric shock he was shaken as if he was cutting his ear himself saw it with my own eyes."

While shocks were applied to all areas of the body interrogators sometimes targeted the most sensitive parts of the body to produce the most pain. At least one female detainee reported that she received shocks to her breasts. Men were also shocked on the genitals Kyaw Myo from Battalion #501 gave the Committee this account:

"First they tied a wire on my foot but nothing happened because of a malfunction. Then they put the wire into my male organ and gave the electric shock. I still could resist saying, 'No. I am not a spy.' Finally I couldn't take it anymore when they suffocated me by putting plastic bag to my face."

Beatings

All survivors that spoke to the TTC gave statements about how they were beaten during interrogation, sometimes severely. Beatings took place at both the Bamaw Post and Lashio Pajau Headquarters. Victims were kicked and beaten with fists, bamboo or other objects. One guard made his own pair of numchucks to beat detainees with.

Nang Saw's account to the Committee illustrates the type of beatings that took place during interrogations:

"I was beaten with a small strong solid bamboo with a little hole in it. I was tied with my hands behind my back and had my legs stretched on the ground. Then they beat me on my thigh and arms very strongly. While beating my thigh I put myself forward and then they beat me on my back. How it was harsh. I couldn't raise my arm, which became so big, dark and green."

Nang Saw described to the Committee how the incident left her with permanent injuries:

"This is my finger that was directly hit by the bamboo. After that, a sort of scar remained on it but it didn't cut or bleed out. But this finger (thumb) was displaced and I can't rely on it anymore."

Like most victims who spoke with the Committee, Nang Saw experienced multiple beatings. Here she describes another event:

"What happened was I passed out while I was being beaten up. They beat me again when I gained consciousness. It went on the whole night. That night, I was taken for the interrogation about 11 or 12 pm while everyone was sleeping. Then they sent me back when it was nearly morning.

"Have you ever read in a book that you would see stars and moon when you got hit? It was real. I really saw them. They kicked me right on my face and I saw sparks in my eyes. Very often they came and beat me. Anybody could come and beat me. They gave me electric shock too. It took about 2 hours for each time."

Burning with hot tar (Yin Baung Gyan)

Detainees in the Bamaw Post faced a particular type of torture involving the use of hot tar. Several survivors described how interrogators melted down Yin Baung Gyan – a roofing material made of a combination of plastic and tar, and dripped it on victims causing serious burns. As in the following case of Ohn Kyaing, this was sometimes accompanied by burning with hot knives.

"They dropped the burnt tar-plastic roof on my chest. You still see them (scars). Each of my hands was tied at the wood stump and I was forced to lie on my back. They pulled my longgyi up. There was a fire next to me where they burnt the knife and placed it on my skin. (The scars are still there?) Yes, they are. I fondly keep them. These are my souvenirs of Democracy (movement)."

Pouk Kway, the Company Commander of the Headquarters Security Unit, confirmed that interrogators applied heated Yin Baung Gyan to victims' bodies during interrogations at the

Pouk Kway the Company Commander of the Headquarters Security Unit, confirmed that interrogators applied heated Yin Baung Gyan to victims' bodies during interrogations at the Bamaw Post.

Multiple Forms of Torture

Detainees were often subjected to multiple forms of torture during one interrogation session. Testimony from Ko Toe Kyi illustrates the different forms of abuse a victim faced.

"I had to face the torture of rolling on my shin with bamboo stick. I was also beaten on my shin and my head with the bamboo stick, and given the electronic shock. I could no longer breathe for a while when they were using the method of placing a plastic bag over my head. One of the interrogators from the intelligence unit, Zaw Zaw Min, stabbed me on the thigh with a knife and stirred (twisted) the knife into the wound."

San Win also gave a harrowing account.

"They were beating my face and whole body and applying the electric shock. As a result, my face was very swollen the next day. They also strangled and squeezed my neck and placed a plastic bag over my head. I had to face the torture of having a heated fourinch nail placed on my breast. Consequently I have scars on my breast until today."

For some their suffering continued even after interrogations appeared to be over. Htein Linn, a survivor of numerous beatings and violations, gave a harrowing account of how he was left to die outside in freezing conditions after his final interrogation.

"The last round was the worst when they left me out there under the icy weather. No one had that experience but me. By that time the executions, including Htun Aung Kyaw, had been done. They just left me out there alone.

"The next morning, Than Chaung was asking his men to bury me thinking I was dead. But I wasn't. He didn't say to kill me. Everyone thought that I had died during the night, including my fellow inmates on the hill. I wasn't dead. They dragged me out of the hut. They tied my hands behind my back and left me out there. I was wearing a uniform but nothing else.

"They were at the Intelligence Hut. I am unsure if they were having tea or alcohol, but it was as if they were waiting for the time of my death. After a while, they came out and asked me if I was dead. Then they poured water on me. They all were wearing big military jackets and had a fire, which I saw through the holes of bamboo wall.

It started about midnight. I was left outside alone on the ground with my hands tied behind my back until the following night. It was the worst thing because I had been beaten up. It was almost 24 hours."

Torture during Group Interrogations

Some survivors also told the TJC how they were tortured during group interrogations in addition to individual sessions. Sometimes a large group of detainees was questioned together in the detention hall. At other times smaller groups of 3-10 detainees were moved to Assam Hill and other parts of the Laisin/Pajau Camp, and interrogated separately.

These interrogations appear to have followed a pattern. The group of detainees was first given a limited amount of time alone to talk amongst each other and to provide information about weapons, poison or other alleged plans. The detainees were threatened with punishment if they could not come up with any information in the time given. In some sessions detainees were beaten, and threatened with guns. In at least one incident, interrogators used detonators to compel detainees to speak. Many survivors spoke not only of the physical harm but also the terror and psychological torture that they experienced.

In one incident Ko Cho Gyi's wrist was chopped off during the interrogation of a group of three detainees. One eyewitness described what happened.

"It was the time when almost all the interrogations were over. I don't remember if they were asking Ko Cho Gyi for poison. Ko Htun Aung Kyaw, Ko Cho Gyi and Ko Kyaw Wai (who was later beheaded) were taken to the execution hill. Later they took Ohn Kyaing up there too. I was one of the security detail. I don't know exactly what happened. They chopped Ko Cho Gyi's wrist while his hands were tied behind his back."

According to Kyaw Khine Win Ko Cho Gyi was taken to a medic following the incident, where his hand was cut off, and his wound was dressed and treated

Detonator Incident

The Committee also heard evidence from multiple eyewitnesses about a group interrogation in which a group of detainees was threatened with detonators. During this incident Kyaw Wai Thet Naing, and Aung Phoe were injured Yeh Linn Aung a survivor who was present at the incident, described what happened

"There were 20 people We were sitting in circle We were called one by one When we were there Kyaw Wai was asked to sit in the middle of the circle Each of us was asked to come forward and tied with two detonators attached to a wire It was not C3 or C4 Each of us had two detonators tied with hanging wire but they were not attached to the battery yet

Kyaw Wai's detonator was already joined with the battery on his right hand there (wrist I think they were asking for poison Then they placed a China-made table alarm watch on the small chair There was a pair of knives and a chopping board too I saw it with my own eyes

Finally all of us 20 people were tied with detonators and asked to provide what they were asking in five minutes Myo Win was a main person doing the talking Since we had nothing, how could we give them anything Some of us were so frightened that we were saying, please give them what they want All of us were sad Nothing came out from anybody We kind of knew they would blow off his wrist when the five minutes were up I had my head down thinking that splinters may hurt me when it went off I sneaked a look at Kyaw Wai's hand and tried not to close my eyes Then Myo Win ordered. Do it One ABSDF soldier put the wire together It went off I think the battery they used was a Chinese made one with a Monkey brand It was either a green or a white one

Smoke came out from Kyaw Wai's hand and a cupful of blood spilled on the ground The upper half of flesh on his hand was gone. There were already two female medics

They took him to the place where they did dressing I don't remember well whether or not they used surgical blade or anything but they cut his hand on the chopping board When I looked at him again they were stitching two pieces of skin together and covering it with gauze."

Kyaw Wai was removed and the interrogation continued According to Yeh Linn Aung, Than Chaung began to question Thet Naing When he did not receive the answers he wanted he shot at Thet Naing's ear grazing it with a bullet Then it was Aung Phoe's turn and his big toe on his right foot was attached to the detonator Yeh Linn Aung told the Committee

"It happened just before it happened to Kyaw Wai We were only given five minutes I think Aung Phoe's wrist had already been cut off by that time I was watching I was young and was really frightened and I could hear my heart beating thump thump thump I was watching out of the corner of my eye The blood came out The big toe and the one next to it the flesh was blown off I can still see the big white rounded bones sticking out And then the medics came and they cut off the necessary things Then they cut the three biggest toes of Aung Phoe's foot off."

Kyaw Wai lived out the rest of his detention with one hand until he was beheaded in early 1992 Aung Phoe and Ko Cho Gyi also managed to survive with their serious injuries only to be executed on February 12, 1992

Torture, Inhumane and Degrading Treatment in Detention

In addition to torture the Committee found that detainees were subject to harsh conditions of detention amounting to inhumane and degrading treatment According to international human rights law inhumane and degrading treatment is defined as acts that inflict mental or physical suffering, anguish humiliation fear or debasement, but that fall short of torture The Truth and Justice Committee heard testimony about a range of ways that victims were

tortured and inhumanely treated while detained at the ABSDF Northern Camp

Beatings

Detainees were also beaten outside of interrogation sessions. One survivor reported that beatings were considered a daily practice for the victim. Detainees who violated any rules during the night were subject to public beatings and humiliation the following morning. One survivor described a typical morning scene at the detention center:

"Anyone who asked for permission to urinate [during the night] would get beaten the next morning. When the wardens inspected if they found someone had urinated outside of the bottle or used others' bottles because he needed more bottles or someone urinated without permission or someone was considered annoying to them because he was coughing for the whole night would be punished in the morning. They called out the names of those who did such things and made them lay face down against the ground. Then they beat them on the back with a big wooden stick while holding it with two hands."

Aung Phoe reportedly lost his hand in this way. According to Kyaw Swar Win, Maung guards were misinformed that Aung Phoe had untied the rope that bound his hands. The guards allegedly tonk his wrist, placed it on a block and beat it a stick. Later Aung Phoe's wrist became infected from the beating and was chopped off by medics.

Detainees were also subject to random beatings at any time. Yeh Linn Aung told the Committee how he and Soe Lay were beaten one day for no apparent reason:

"It was our turn to carry the bamboo to the Camp Commander's barrack. It was too heavy. It seemed to me that Aung Than was coming back from the new camp and was drunk. Seven of us stood still after putting down the bamboo. We were not tied up but we were all shackled at the legs. We could only return to our place when told to do so. He [Aung Than] saw us in front of the barrack. He was drunk. He came straight to us and hit me with me with a block of chopped wood right on the side of my head. I put my arm up to cover my head, otherwise my head would have been badly hurt. I thought my arm had broken but it had only cracked. It has remained curved. So I had to take a break of a week or ten days. Soe Lay got slapped and fell down the slope behind him. That's how they treated us all the time."

When the wardens and high rank camp personnel got drunk, they sometimes stormed the prison hall and beat up anyone they wanted. In one particularly brutal attack in November 1991, a group of drunken high rank personnel paid a midnight visit to the prison hall and beat all of the 60 detainees. A female victim, Nang Aung Htwe Kyi, was beaten on her face and head with a burnt piece of wood until she bled. Another male victim, Yeh Linn Aung, had his head beaten up harshly. He was later admitted to hospital and received 11 stitches for his head wound. He described the event to the Committee:

"I heard the sound of footsteps of a group of 5 people. We were called to stand up right away [from our bed]. We were already tied at the back, blindfolded and shackled. There was a lot of noise. I heard bang and bang of beating from the other corner that was getting close to me. I knew it was coming to me. I was spun while hearing a big bang. I saw stars and moon at the same time. And I collapsed after I got another hit. I felt very dizzy. The piece of cloth that blindfolded me was released and I tried to stand up because I had to sit up when I was told. Massive amounts of blood fell on my pants and the white mosquito net. I got the worst beating at that time. Then they left after beating. Everyone got hurt and had bleeding head wounds. They even asked if anyone had not bled yet. If someone was not bleeding, they beat him again. It was quite a big wooden stick they used. Almost 60 people got hurt and were bleeding."

Forced postures

All of the former detainees interviewed by the Committee spoke about being constantly tied up, shackled and forced to hold certain postures while in detention. Every evening when detainees returned from work, they were usually blindfolded, had their legs bound, and had their hands tied behind their back. Often detainees were forced to eat while restrained and blindfolded.

In addition to these restraints, they were forced to sleep on one side. Turning to the other side, making any movement, scratching, or using the voice without permission placed the detainee at risk of severe punishment.

"For nearly one year that we were detained until we escaped, we were tied hand at the back, legs and blindfolded while going to bed. And once you were told to lie down, you were not allowed to move. If you wanted to, you had to ask for permission."

Restrictions on movement also applied to urinating during the night. Detainees were only given one toilet break, if any. As Htein Linn described it,

"Each of us got two small bottles to pee. No more. We were not allowed to urinate anytime we wanted but only at midnight when we were called to get up. Whether or not you wanted we had to do it. It was only our chance until the morning."

Most of the time toilet breaks during the night was not provided at all. Instead each detainee was given two small empty bottles of glucose drink to urinate in during the night. Detainees risked severe punishment if while urinating, they spilled over or made the ground wet.

Due to the strong cold weather, sleeping on the ground, and lack of nutrition, some victims reported that they suffered from beriberi, a condition that made them urinate frequently. One of the survivors said in the interview with the Committee that he urinated in his bed often.

"During that time I suffered beriberi and my legs and hands were swollen. I couldn't control my urine and went all the time. Wurna Zaw who slept next to me was always wet with my urine."

Lack of Adequate Food, Clothing and Medical Care

According to former ABSDF-Northern authorities interviewed by the TJC, they provided for the basic needs of the detainees. Former Chairperson Aung Naing told the Committee:

"We also supported the detainees with blankets and regularly fed them rations. The medical department took care of them and always assigned medical personnel to provided for their health care and shelter."

Victims and survivors recalled differently. Most described their food as a basic diet of carbohydrates, rice and gruel, sometimes with salt. There was little meat provided in the beginning resulting in a lack of protein. Some detainees told how they foraged for additional food during work hours. They collected Rose Apple leaves and added them to their rice.

Most survivors spoke about having inadequate clothes and blankets, especially in the midst of Kachin State's freezing winter. According to reports, any good clothing a detainee had was confiscated when they were arrested. This included all slippers. The story of Myint Thein illustrates the inadequate clothing available and his creative coping strategy.

"I was already prepared. I guessed that they would come to arrest me so I prepared by wearing a shirt and trousers and an under jacket underneath my dirty clothes. I saw that they took all the good clothes when they put victims in jail. No one would take my dirty clothes. Actually the inner was good but the outer was bad. As a result, I protected myself against the bad weather better than the rest of the victims."

The TJC heard different accounts about access to medical care for detainees in the ABSDF Northern Camp. In some cases such as the 'Detonator' incident, medics were on hand to provide some relief from torture-inflicted injuries immediately.

Ma Thin Thin Nyi, who herself was interrogated and tortured, later provided medical assistance to detainees. She described her work in this way:

"I gave injections and the dressings to the detainees. We gave enough medical treatment. But after we gave treatment somebody came and did what they wanted to the victims. So whatever treatment we gave only lasted for a while."

Other survivors claimed that medical care was slow to come as Moe Zaw Tun relates.

"No medical treatment was provided. I did not dare to ask permission to urinate as I would be beaten up. We were asked to move from the lecture hall to a prison hall, where 55 of us were detained. By that time, my health condition was quite deteriorated. I was always lying on my bed and couldn't walk. Only by that time, the medic came to give me treatment."

The Committee also heard evidence of cases where lack of medical care contributed to the death of detainees.

Finding

Having analyzed the data received and reported in this section, the Committee finds that certain forms of torture methods were applied to survivors during the interrogation and detention period, such as electric shock, putting plastic bag over head, harsh beatings, using explosive devices, and cutting off of fingers and wrists. The Committee has full confidence that these abuses took places, based upon the accounts of witnesses, survivors, and alleged perpetrators.

The Committee finds that some torture methods were only used in certain areas. For instance, burning with hot tar, Yin Baung Gyan only happened in Bamaw Post, while electric shocks were only applied in Laiza, Pajau Headquarters where they had access to electricity.

As a result of being subjected to severe, repetitive, and long-lasting forms of torture and ill-treatment, many survivors are experiencing physical and emotional trauma. We will explore this in greater detail in the Impact chapter and make recommendations at the end of this Report for how to assist those affected.

Chapter 4 - Human Rights Violations - Killings

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One of the main types of violations that the Truth and Justice Committee (TJC) investigated is killings and/or deaths in detention. In order to be considered a killing under international law, three elements must be present:

1. A taking of human life
2. Illegality
3. State action

The TJC found 36 killings took place in the ABSDF Northern Camp in 1991-92 that fit this definition of a human rights violation under international law. In all cases the TJC found that a life was taken (Element #1) and that the ABSDF Northern Camp authority was acting as the State (Element #3). In line with international law, the Committee also found that the killings that took place were "illegal" as they were an awful, unreasonable or unjust (Element #2).

The TJC uncovered a pattern to the killings and organized them into the following four categories:

- Summary Executions
- Killings in Detention during Interrogations
- Deaths in Detention
- Killings that Took Place Outside the Mandate of the Truth and Justice Committee

1. Summary Executions

The Truth and Justice Committee documented a total of 17 killings that could be categorized as executions. The vast majority (15) took place during the infamous executions on February 12, 1992 at the headquarters of the ABSDF-Northern. The other two cases took place earlier in 1992 in the PhaPha Kant area.

1. List of Execution Cases

1.1.1 The February 12, 1992 Executions

While February 12 is a historically significant day for Burma (Union Day), it is one of the most tragic days in the history of the All Burma Students Democratic Front (ABSDF). On February 12, 1992, 15 ABSDF members, including Htun Aung Kyaw, Chairperson of the ABSDF-Northern, were executed. During its work the TJC recorded many statements that shed light on what happened that day. These included statements from survivors, eyewitnesses, and those involved in the incident. Below is a summary of what they told the Committee.

The executions began late in the afternoon on February 12, while the detainees were having an early dinner. One detainee who spoke to the Committee recalled the meal being different from others.

"On that day of execution, we were given dinner early. I don't remember whether it was beef bone soup or something [but it] was better than usual. It was some sort of soup. While eating, names were called up but someone interrupted and saying, wait until we are finished eating. I was wondering while eating if there was there any military offensive outside. We were in the detention so we didn't have any information about what was going on outside. The only way that we had to obtain information was when we met someone outside of the cell. So I was thinking if there were a military offensive they wouldn't take us with them. They would kill us all. So all of us were very nervous and terrified."

I remember I shared my meal with Bo Bo and Maung Maung Kywe. Bo Bo was swallowing the rice with soup and telling me Nang Saw put some more soup. Maung Maung Kywe said No more soup. I want to enjoy its taste. I recalled what he had said. I didn't listen to him seriously but I never forget what he had said after all the things were over."

A lot of the survivors that spoke to the Committee remembered names being called and people being taken away.

"Time for the prison transfer was yelled by La Seng. I remember his voice. It was a very energetic voice and I felt that something was about to happen. I never forget that voice. Htun Aung Kyaw, you get up. Cho Gyi, you get up, that they called. There were some others too. I don't know how many were called to get up..."

"They called up the names and took the people out. Ma Nge (Nang Aung Htwe Kyi) was included first. Kyar Lay gave Ma Nge slippers to put on. After we finished eating, we were all blindfolded and sitting. They called the names one by one. Ma Nge was called but then they said, 'No Ma Nge, No.' Kyar Lay asked Ma Nge to sit down. Ma Nge wasn't taken..."

"I don't remember how many names were called. It was quite a lot. They were taken outside of the cell. I think they had their shackles off outside of the detention..."

The executions began shortly after the detainees were taken away. Some of those who were left behind in the cells told the Committee about hearing gunshots.

"It was almost dark – about 6 pm. I heard two rounds of gunshots. Two or three gunshots, I vaguely remember. Then it became dark about 7 pm."

"A while later I heard gunshots. It was about 5 or 6 pm."

"None of them came back. I heard two or four gunshots. I didn't count. I heard it. So I felt confused. They took many people but only a few gunshots. So maybe they killed a couple of us before others. We couldn't know as we were blindfolded until they came back. Later (we knew) they killed all of them."

Afterwards, some of the guards that had taken the detainees away returned to the cells where survivors heard them speaking to each other. During the night and the following day it became clear to the survivors that their fellow detainees had been killed.

"Then they [the ones who had removed the detainees] returned to the cell and we found out they had killed all of those taken. We knew who was killed the following day. They were saying, they had someone's head smashed by mattock [pickaxe], or they had Htun Aung Kyaw's smashed by mattock, or such thing we heard. We also heard them saying they shot Khin Cho Oo."

"It was La Seng and 2 other guys too. They came back and spoke a couple of sentences. One of them said 'Quite a lot of people remain even after that.' He said that."

The Committee took statements from four eyewitnesses. According to all of their accounts the detainees were taken to Assam Hill, which was named after a student from Assam who was executed there for indiscipline many decades before. The detainees were asked to stand in front of open pit(s). There are conflicting accounts of what took place. One eyewitness said there was only one pit while another said there were four.

"It was quite a big space. I saw a big tall pit. Yes. Only one pit but a long one. Like a canal. It was just like in a Japanese movie."

"Then they took each of them and dug 4 pits."

According to all four accounts, the execution orders were read first. The victims were asked in which manner they wanted to be killed. Some allegedly chose to be killed by guns while others asked to die by sword.

One witness told the Committee:

"I was there (on the Hill) until after the orders were read out. They were taken there. I listened to the order readings. Then they were taken to the execution place. I wasn't there when the executions were conducted. Some were killed by swords while some asked to be killed by gunshots that I found out when they came back. Htun Aung Kyaw, Khin Cho Oo and the other one asked to be killed by guns. I was there."

" was there on the Hill until after the orders were read out They were taken there listened to the order readings Then they were taken to the execution place I wasn't there when the executions were conducted Some were killed by swords while some asked to be killed by gunshots that found out when they came back Htun Aung Kyaw Khin Cho Oo and the other one asked to be killed by gun. I wasn't there."

"The one who read the orders was Majatu Warrant Officer Aung Ye Soe"

" was there on the Hill [Can you tell us about it] Myo Win killed all of them. Some asked to be killed by gun There were many others Than Chaung was at the other side [So Myo Win mainly killed the killings?] Yes [With what did he kill?] By sword Some were killed by gun "

Witnesses claim that the detainees were given a moment to speak before they were executed. Some remembered their last words and messages.

" don't know what happened to Kyaw Kyaw Min Maybe he was shocked I have no idea how long he was keeping a small red stone in his pocket It was not a real gem He took it out and gave it to Chief of Staff [Than Chaung] saying, CS please take this stone that have kept for so long, wanting to give it to you think he was so frightened once he knew he was going to die "

"After reading the orders they asked the victims Any message for your home? They asked Htun Aung Kyaw What do you want to pray for?" Htun Aung Kyaw said have got nothing to say.'"

Khin Cho Oo the only female detainee in the group faced additional indignity prior to her death She was allegedly asked to strip before she was executed One witness said that he heard about it but did not see it

"I didn't see that part Some said they took her clothes off "

Another eyewitness however gave a detailed account.

" It was the turn for Khin Cho Oo Before he [Myo Win] did , he told his men that Guys take her clothes off let my guys watch they haven't watched porn for a long time Khin Cho Oo begged him saying please don't do it If you wanted to kill me just do it Don't make me embarrassed before others She begged him while crying But they took her clothes off The naked Khin Cho On paid her last respect to Myo Win by sitting on top of the pit She said beg your pardon if have ever done any misbehavior to you. VCS or others verbally or in any other form Then she worshipped him and asked him to kill her by gun Myo Win grabbed my M21 from me and shot at her And she was buried naked She was buried alone in one pit."

Some witnesses also spoke of the brutality of the killings

"Then they cut off Ko Htun Aung Kyaw's head but it didn't go apart He got up by gritting his teeth He got his face smashed by shovel His teeth had fallen out Tin Soe On had smashed him by shovel He was from Namar The main person who killed with a sword was Myo Win using his own sword In the beginning he could cut the heads off sharply but later he couldn't. May be his hands got tired. "

After the executions were complete eyewitnesses concur that the pits, where the bodies lay were filled Those involved returned to the camp.

Finding

The ABSDF Truth and Justice Committee confirms that fifteen members of the ABSDF-Northern were killed on February 12, 1992. Although the exact details of the killings were not established, the Committee believes that the victims were killed by gun, beheaded by sword, and/or beaten to death with shovels and mattocks (a type of pickaxe). Khin Cho Oo, the only female detainee to be summarily executed, endured the additional humiliation of being stripped naked before being killed.

While the Committee can confirm that the fifteen were executed, there are still many unanswered questions about how many people were involved and which individuals were responsible for which violations. There is strong evidence that Myo Win was present and responsible for some, if not all, of the killings done by sword.

The Truth and Justice Committee has confirmed the names and titles of those executed on 12 February 1992. They are:

1. Htun Aung Kyaw (Chairperson)
2. Freddy Aung Than (aka, Cho Gyi (UG Cell in Mandalay)
3. Kyaw Kyaw Min (Private)
4. Yan Aung (Private)
5. Hla Myint (aka) Zaw Ye Thwe (Private)
6. Maung Maung Kywe (Information Department)
7. Aung Phoe (aka) Aye Thet Latt (Private)
8. Khin Cho Oo (Private)
9. Thar Du (Company Commander)
10. Thet Naing (Lance Corporal)
11. Htay Myint Win (Corporal)
12. Maung Maung (Private)
13. Aye Myint (Private)
14. U Thaung Myint (Organizing Department)
15. Tu Tu (Warrant Office)

1.1.2 The Executions of Yan Shin and Aung Myint Tun (Paw Thut)

The Committee also took statements about the arrests and executions of two ABSDF members in the Pha Kant area from Ko Min Htay, who was a Platoon Commander there at the time. According to Min Htay, the two ABSDF members, Yan Shin and Paw Thut, were arrested and interrogated on allegations of being spies. He could not remember the exact date of the executions but believed that they took place sometime in 1992 before February 12. Min Htay told the Committee in his own words about Yan Shin.

"A telegram came in while I was there. Yar Kha was there too. He has already passed away from some health problems. He told me that the Headquarters asked to interrogate Yan Shin. So I told him that 'Well, I will ask him because we are very close.' Personally, he [Yan Shin] had respect for me. I saw him while he was already detained by the order of the Headquarters. I told Yan Shin 'You tell them who you are.' He told me 'Saya, as I was his one of the trainers, I have nothing to say but please convey my message to my home that I was killed in action. That's all I have got to say.' Then I left him. The following day, he was executed."

Min Htay gave the following testimony about Aung Myint Tun (Paw Thut):

"At that time, two of my men were executed. Only I knew one by his nickname as Paw Thut. He was from Katha. When it happened to Paw Thut, many of his fellow men were very sad and asked me how I could protect him. I did not know how but I was asked by my fellow men. We thought we could protect him. We had deep attachments between us. Finally, we let it happen. I didn't go and see him or ask him questions or interrogate him. That happened in Pha Kant area."

Min Htay did not witness the executions and could not provide details on what happened who was involved, or what was done with the bodies afterwards

Finding
The Committee believes that the account of Min Htay is credible and that Yan Shin and Aung Myint Tun (Paw Thut) were likely executed on orders from ABSDF Northern Headquarters. There is a need for more investigation to find out exactly what happened and to determine who was responsible

2. Killings during Interrogation

The Committee documented a total of 11 killings at the ABSDF Northern Camp that it believes took place during interrogation sessions. The first killings coincided with the first arrests and interrogations of ABSDF members in Bamaw in early August 1991. Killings began to happen at the Laisin/Pajau Camp shortly afterward in August 1991 as more arrests were made there. The vast majority of killings during interrogation (9 out of 11) are believed to have taken place within the months of August and September 1991 alone, coinciding with the mass arrests of over 106 ABSDF members.

The other two killings are believed to have taken place in December 1991 and early 1992 (before February 12, 1992) but involved two detainees (Kyaw Wai and Kyaw Kyaw Oo) who were among the first arrested and detained in August and September 1991

Interrogations took place in secluded locations with few witnesses. This made it challenging for the Committee to determine exactly what happened. Although there is insufficient evidence to determine the exact nature of the killing/cause of death in many cases, the Committee strongly believes that many of the deaths are linked to torture inflicted on victims during interrogations. This contention is supported by the testimony of survivors who gave evidence of their own torture in the same locations where those who were killed were taken (with known interrogators) and last seen alive. In some cases survivors also gave testimony to the Committee about seeing those killed with injuries likely to have sustained from torture in the days preceding their deaths.

In some cases killings during interrogations were also confirmed by eyewitnesses and guards. These interviewees were often unable to provide the Committee with detailed information. Nonetheless their statements help to shed light on what took place

The Committee finds that all of these killings were extrajudicial with detainees having no access to justice or due process before their deaths.

2.1 List of Killings During Interrogations

2.1.1 The Killing of Soe Min Aung
The desertion, arrest, torture and subsequent killing of Soe Min Aung mark the beginning of the 1991 – 1992 incidents in the ABSDF Northern Camp. At the time Soe Min Aung was serving as personal aid for Battalion No. 501 Commander Theik Tun Oo. In his interview with the Committee, Theik Tun Oo confirmed that Soe Min Aung deserted on August 6, 1991, just before the third anniversary of the 8888 Popular Uprising.[1] He was re-captured at Shwe and taken back to the Bamaw Post for interrogation

Many survivors from the Bamaw Post told the Committee about the torture and killing of Soe Min Aung. All of these were secondhand accounts based on what they had heard in camp. For example one survivor named Ohn Kyaing (aka) Okay, who was based in Bamaw at the time and later detained told the TJC what he had heard

"Aung Than (Ba Gyan) was interrogating him [Soe Min Aung]. I don't know whether or not it was true but I heard they put the burned iron rod (onto his legs). They were rotten before he died, that I heard."

The Committee also took statements from two people who said that they witnessed the incidents. Pouk Kway, the Company Commander of the ABSDF Headquarters Security Unit, was one of the eyewitnesses and confirmed that torture took place

"He [Soe Min Aung]was beaten with a big stick. His skin was peeled off from his heel to toes. He did n't seem to make it at all."

Another eyewitness, Kyaw Swar Win Maung, who was also later detained, told the Committee about Soe Min Aung's last moments:

"Soe Min Aung was dying after all. He was then taken and buried alive but Tar Tee fired three rounds from above to make sure he was dead."

Finding
Having heard multiple secondhand accounts and testimony from two eyewitnesses, the Committee finds that Soe Min Aung was tortured extensively while being interrogated at Bamaw Post, and was killed during interrogation. Although there is insufficient evidence to conclude which individuals were responsible for the torture and killing of Soe Min Aung, the Committee is certain that members of the Intelligence Unit played a role in conducting interrogations. The Committee also believes that Battalion Commander Aung Than (Ba Gyan) was present.

2.1.2 The Killing of Aye Kyaw
The Committee heard several secondhand accounts about the torture and killing of an ABSDF member who worked as a teacher in a village near the Bamaw Post. Aye Kyaw was arrested in August 1991 in or near the village where he was working and taken directly to interrogation by the Intelligence UnitPost. He died the same day allegedly as a result of torture during interrogation sessions.

Ohn Kyaine (also known as Okay), who was under arrest at the Bamaw Post at the time, told the TJC what he heard and saw regarding the death of Aye Kyaw:

"They took him from outside, while Aye Kyaw was saying, 'I joined the revolution because I don't like such things. Don't you do it. I am a real student.' They didn't put him to the lecture hall where we all were detained, but took him straight to the interrogation. His body came back to us and we buried him."

Kyaw Swar Win Maung, who also witnessed the arrest of Aye Kyaw, told the Committee:

"They took him from the village. He was asked to take off his [ABSDF] uniform. I saw him asking Zaw Gyi 'why am I being taken?' Aye Kyaw was quite an aggressive guy. Zaw Gyi said just for some business and asked him to take off his uniform. He replied that, 'I got no spare plain clothes.' Then they asked him to remove his badges and he tore the badges apart. Then they took him to the Battalion."

Kyaw Swar Win Maung was also able to confirm that Aye Kyaw was dead the morning after he was taken into interrogation. He also reported what he had heard about the incident from others in camp:

"The next morning, Aye Kyaw was dead. It was only one night. Panchar Kyaw Myint told me he saw they were putting the human feces into his mouth. He was brutally tortured and he suffered a lot before he died. That's the way he died."

Finding
Based on eyewitness accounts, the Committee finds that Aye Kaw was arrested and died while being interrogated at the Bamaw Post by ABSDF Intelligence Unit members. There is insufficient information to determine how Aye Kyaw died, but the Committee believes it is likely that he died from injuries he sustained from torture. Although there is insufficient evidence to conclude which individuals were responsible for the torture and killing of Aye Kyaw, the Committee is certain that members of the Intelligence Unit from the Laisin/Pajau Camp took a lead role in conducting interrogations.

2.1.3 The Killing of Tint Lwin
The Committee also heard evidence about the alleged torture and killing of Tint Lwin. According to Ohn Kyaine (also known as Okay), a survivor who was detained at the same time, Tint Lwin was interrogated and tortured in the week after his arrest, and died as a result. Ohn Kyaine gave the following account:

"I heard that Tint Lwin was cut all over his body and splashed salt over his cuts. It was in the lecture hall where the victims were detained before the prison hall was built and he was asking for a cup of water. He said, 'Let me drink a cup of water before I die.' He got water. He died soon after that. I don't know how much he was tortured. It only took a week, not very long."

Finding

While the Committee does not have sufficient evidence to establish exactly what happened to Tint Lwin, it believes that Ohn Kyaing is a reliable witness and finds that it is likely that the victim was killed during interrogationPost. There is a need for more follow up investigation to determine how he was killed, who was responsible, and where he was buried.

2.1.4 The Killing of Tin Maung Aye/ Ar Seit

The Committee received extensive testimony about the torture and killing of Tin Maung Aye who was also known as Ar Seit. Originally from Katha, Tin Maung Aye was a member of the ABSDF Northern Central Committee in charge of the Information Department. He was arrested at the Laisin/Pajau Camp in the middle of August 1991 and, according to multiple accounts from fellow detainees, tortured extensively at multiple interrogation sessions.

Several survivors spoke about observing Tin Maung Aye's extensive injuries while being detained together in the lecture hall at the Laisin/Pajau Camp. According to Kyaw Khine Win, ABSDF Northern leaders called about twenty detainees together in the lecture hall one day. The detainees were given one hour to discuss the spying allegations against them and decide how they would like to cooperate with the ABSDF Northern leaders that had detained them. During that meeting Tin Maung Aye was brought in on a stretcher. He appeared to be very weak and had a bad smell coming from his body that some speculated came from an electric shock.

Yeh Linn Aung, another detainee, corroborated the story, adding that Tin Maung Aye was attached to an IV line when he was brought to the meeting. Despite his poor health, he was interrogated along with and in front of the other detainees.

Kyaw Khine Win added the following:

"I don't know why they had such a grudge against Ar Seit. He was tortured so badly. I feel very sorry for him. The last thing I saw was him with the flesh torn from his leg and there was a bad smell. Nobody wanted to go near him. I guess that the inside of him might have been rotten and he died because of that. And when he died they buried him on the path between KIA New Camp and the prison, which used to be a training barrack."

Finding

The Committee finds that Tin Maung Aye/Ar Seit died in detention in the Laisin/Pajau camp in August 1991 due to injuries sustained from torture during interrogation sessions. The Committee does not have sufficient evidence to determine who was responsible but believes that the Intelligence Unit played a leading role in conducting interrogations during that time.

2.1.5 The Killing of Kyaw Htay

Kyaw Htay was one of the first people arrested at the Laisin/Pajau Camp. He was detained with at least four others on August 10, 1991. Yeh Linn Aung confirmed his arrest and that he was taken into custody by members of the Intelligence Unit.

"I saw him taken away by the members of Intelligence Unit from the Lecture Hall to the Intelligence Unit barrack. I saw it."

Moe Kyaw Thu, another victim who was involved in some interrogations before his arrest, confirmed that Kyaw Htay died as result of torture.

Aung Naing, ABSDF-Northern General Secretary, verified that Kyaw Htay was treated particularly brutally. "Interrogations had some problems. In the beginning, it was very harsh, especially with Kyaw Aw and Kyaw Htay. They got stabbed with knife, but that was not the

Aung Naing, ABSDF-Northern General Secretary, confirmed that Kyaw Htay was treated particularly brutally. "Interrogations had some problems. In the beginning, it was very harsh, especially with Kyaw Wa and Kyaw Htay. They got stabbed with knife, but that was not the way the majority were treated."

Finding

The Committee has confirmed that Kyaw Htay died as result of torture during interrogations conducted by the ABSDF Northern Intelligence Unit. The Committee was unable to determine the exact cause/manner of death, but believes that Kyaw Htay was stabbed.

2.1.6 The Killing of Yar Kwat Bar

The Committee heard testimony from one eyewitness about the killing of Yar Kwat Bar, the only civilian killed in the ABSDF-Northern incident. Yar Kwat Bar was a betel nut seller in Ywang Jiang, a town near the Laisin Pajau Camp. The Intelligence Unit picked up Yar Kwat Bar in August 1991 after a detainee mentioned his name during interrogation. According to the witness who was involved in the Intelligence Unit at the time, Yar Kwat Bar was taken to Laisin Pajau Camp and interrogated by members of the Intelligence Unit. He was tortured during interrogation and died as a result.

Finding

The Committee has confirmed that Yar Kwat Bar died as result of torture during an interrogation session conducted by the ABSDF-Northern Intelligence Unit. The Committee was unable to determine the exact cause or manner of death, or the individuals responsible.

2.1.7 The Killing of Zaw Win Chit

Zaw Win Chit, the former Regional-In-Charge of the Bamaw Post, was arrested on September 10, 1991 in the Laisin Pajau Camp. Nyi Nyi Kyaw, former member of ABSDF-Northern Central Committee and Bamaw District Officer, gave the Committee evidence about the torture and killing of Zaw Win Chit. At the time, Nyi Nyi Kyaw was detained in a room next to the one where Zaw Win Chit was being interrogated. Although he could not see what was happening, he could hear a lot due to the thin wall separating the two rooms. He said:

"I didn't see him [Zaw Win Chit] but there was only a wall, bamboo. He died right in front of U Sein."

Aung Swe Oo, 702 Battalion Commander, confirmed that Zaw Win Chit died during a night of interrogation. He did not provide any details.

Finding

The Committee finds that Zaw Win Chit was killed during a night of interrogation in Laisin Pajau Camp on or shortly after September 10, 1991. The Committee was unable to determine the exact cause, manner of death or the individuals responsible, but is certain that members of the Intelligence Unit were present.

2.1.8 The Killing of Pyi Soe Naing

The Committee heard testimony from two people about the torture and killing of Pyi Soe Naing, the first former member of Battalion 401 to be arrested. He was arrested in late August 1991, shortly after Khin Cho Oo. He and Khin Cho Oo both came from Rangoon, worked in the same office at the Laisin/Pajau Camp, and were very close.

Before his own arrest in early September 1991, Ko Toe Kyi was working in an office in front of the interrogation rooms at the Laisin Pajau Camp. Although he could not see what was happening inside the interrogation rooms, he reported that he could hear what was taking place. He claims that Pyi Soe Naing was arrested at night and dead by the following morning. He believes that it was probably as a result of torture during interrogation. As a fellow former member of Battalion 401, Ko Toe Kyi had spent time with Pyi Soe Naing and felt that he might be more susceptible to torture due to previous illness. He told the Committee:

"Since we moved from Shan State, Ko Pyi was suffering from a disease that caused swelling in the brain. A person with that disease couldn't take torture that much. For instance when he [Pyi Soe Naing] got interrogated with electric shock he couldn't take it. Maybe he died because of that shock."

Nyi Nyi Kyaw, who was detained at the same time confirmed that Pyi Soe Naing was killed around the same time as Khin Maung Soe.

Finding

Although the Committee was unable to determine the exact cause of Pyi Soe Naing's death they have reason to believe that he was killed during interrogation, possibly by use of torture. The Committee did not have sufficient evidence to determine who was involved in the death of Pyi Soe Naing.

2.1.9 The Killing of Khin Maung Soe

Many survivors mentioned the killing of Khin Maung Soe who served as Personal Staff Officer (PSO) of ABSDF Northern Chairperson Htun Aung Kyaw. He was arrested at Laisin Pajau Camp in August 1991 shortly before Htun Aung Kyaw. Although many survivors generally recalled the killing of Khin Maung Soe only one was able to provide more detailed information.

Kyaw Naing Oo who was arrested at nearly the same time as Khin Maung Soe gave this account:

"I, Sein and I were detained at the Military Affairs Office. At night they started interrogating Khin Maung Soe. He died right at the interrogation. Both of us were arrested almost together. He was a PSO for Chairperson and I served as PSO for General Secretary. So I was shocked knowing he was dead."

Finding

The Committee's certain that Khin Maung Soe was killed after being arrested at Laisin Pajau Camp in August 1991. Although there is not enough evidence to determine the exact cause of his death, the Committee strongly believes that Khin Maung Soe died during interrogation by the Intelligence Unit, probably as the result of torture.

2.1.10 The Killing of Kyaw Kyaw Oo

The Committee heard testimony from one survivor about the alleged torture and killing of Kyaw Kyaw Oo, an ABSDF member from Katha. He was arrested in Laisin/Pajau Camp on September 10, 1991.

San Win (also known as Phoe San), a survivor who was arrested and detained on the same day (September 10, 1991) told the Committee how Intelligence Unit members took Kyaw Kyaw Oo for interrogation one night, possibly December 26, 1991. The following morning San Win saw members of the Intelligence Unit carrying the dead body of Kyaw Kyaw Oo away. He believes that Kyaw Kyaw Oo died during interrogation.

Finding

Although the Committee does not have sufficient evidence to determine the exact cause of death, it has reason to believe that Kyaw Kyaw Oo was killed during interrogation in the custody of the Intelligence Unit at Laisin Pajau Camp. The Committee notes that Kyaw Kyaw Oo's death allegedly took place in December 1991, more than three and half months after his arrest, and almost three months after any other killings during interrogation. There is a need to confirm the date of the interrogation and to confirm exactly what happened. There is a need for more information to determine who was responsible.

2.1.11 The Killing of Kyaw Wai

The Committee received information regarding the beheading of Kyaw Wai from several people. Two were guards at that time of incident and were able to provide eyewitness accounts. The other one was a survivor who spoke about what he heard and saw that day. According to these three witnesses Kyaw Wai was taken to Assam Hill along with Htun Aung Kyaw and Cho Gyi for questioning, possibly about the location of explosive devices or a radio.

At some point the interrogation turned deadly, with both eyewitnesses confirming that Myo Win beheaded Kyaw Wai. They described the scene in this way:

"I interrogating him and Myo Win repeated his question to Kyaw Wai. Then [he said] 'kill him' and then pulled his shirt down to this (shoulder). First Kyaw Wai said, 'Please don't.' Then he stopped, realizing they would do it anyway, and he shouted 'Kill me. I am Kyaw Wai, a real student. I can be killed but not my soul. I am a real student, you can kill me, etc...'"

"He was already beheaded. I saw him beheaded by my own eyes. His body and head were apart."

"He was already beheaded. I saw him beheaded by my own eyes. His body and head were apart."

"I was there when Kyaw Wai was beheaded. He was asked to lay his head on the wood. Then Vice Chief of Staff Myo Win threatened 'I am going to cut your head off' and then he did. It was just cut but lost so much blood. Then he died right in front of my eyes."

Finding

Given the information it received, the Committee finds that ABSDF Northern Vice Chief of Staff Myo Win beheaded Kyaw Wai during an interrogation session involving Kyaw Wai, Htun Aung Kyaw, and Cho Gyi. The exact date is unknown but is believed to be early 1992 before February 12. The Committee has insufficient evidence about who else was involved.

3. Deaths in Detention

The Committee looked into eight deaths in detention. Although there was not enough evidence in some cases to determine the exact cause of death, the Committee is certain that all of these deaths took place while the victims were detained in the custody of the ABSDF- Northern Camp. Two of the deaths took place in the Bamaw Post, three at the Laisin/Pajau Camp, and three others somewhere on the front line.

There is no central pattern to these deaths although the Committee believes that excessive brutality of prison warders and other ABSDF Northern captors, the cumulative effect of the inhuman conditions of detention, and torture were contributing factors. The cases are listed below in the chronological order that they are believed to have happened.

3.1 List of Killings/Deaths in Detention

3.1.1 The Arbitrary Killing of Aung Koe

Aung Koe (also known as Aung Than Hla) was arrested on September 10, 1991 in the Bamaw Post. He was detained with others in the lecture hall and was interrogated. According to several witness accounts, Aung Koe was shot to death one night.

The Committee heard the following accounts from two fellow victims who were with Aung Koe at the time of his death. Kyaw Swar Win Maung recalled the following:

"Soe Naing, one of the arrested, and a Bamaw native, escaped while he were detained in the lecture hall. They gave chase to him but didn't get him. Then, Aung Than asked all of us to stand up with our hands tied at the back. Each of us was tied at one pillar separately. Then Aung Than ordered his men to inform the KIO that they would fire a few test-rounds. He was really drunk so we don't know whether or not he was aiming at us or making some random fires. [We were blindfolded]. All of us were saying to our own God.

He opened fire, and told us to sit down while his commando guys tortured us. We heard that Aung Koe got hit. He got hit with two rounds. They said to report to Medic Bout Mai to treat his wounds. I think he got shot in either his pancreas or his lung.

Aung Than kept asking Aung Koe " Are you dead yet?" until he died. The incident happened about 6 or 7 pm. I heard they were recording time when Aung Koe was pronounced dead. I heard it was 2.45 am. So he was tortured by being asked the same question until that time."

Another fellow victim, who was with him at that time, Ohn Kyaing (also known as Okay) confirmed the account and raised the issue of lack of medical care.

"He [Aung Than] was very drunk and randomly opened fired. One of the bullets went through very close by. Aung Koe was hit by the next round. He wouldn't have died if he received the medical attention. They left him alone."

Regarding the same incident, Pouk Kway, who was a Company Commander of the Laisin/ Pajau Security Unit, gave a slightly different account of what happened but also confirmed the killing of Aung Koe.

" For the death of Aung Koe, it was Battalion Commander Aung Than or Ba Gyan. At that time, we were very angry at the enemy and he was in very high emotion. He had drinks but was not very drunk. He said,'Aung Koe, I was going to shoot you.' Then he opened fire and Aung Koe got hit in the left shoulder. He died because of so much blood loss."

Finding

Given the above accounts the Committee confirms that Aung Koe (also known as Aung Than Hla) was shot and killed during an incident at the Bamaw Post. The date is believed to be sometime in September 1991 after Aung Koe's arrest (September 10). There is strong evidence that it was not only the gunshot but also the denial of life-saving medical care that lead to the death of Aung Koe. The Committee believes that Aung Than (also known as Ba Gyan) was responsible for the shooting and denial of health care. The Committee was informed that Aung Than, committed suicide in 1994.

3.1.2 The Death of (U) Maung Sein (also known as U Sein)

U Maung Sein (aka) U Sein was a student activist from the 1974 Generation. He served in the Justice Department and was a member of ABSDF-Northern Central Committee. He was arrested with Htun Aung Kyaw in August 1991 and held at Laisin/Pajau Camp. According to the statement of many of his fellow detainees, U Sein, because of his age, was greatly affected by the torture he endured during interrogation, and the harsh conditions of detention particularly very cold weather, lack of food and inadequate accommodation. One detainee-survivor provided the following details about the death of (U) Maung Sein in an interview with the Committee. He pointed out the poor conditions of U Sein's clothing.

"It was nearly end of October. They left U Sein with us for two days. When we came back from the hard labor, we were told U Sein was dead and he was on the bamboo-mat. He was covered with a shirt...more like a sweater. It was called Aung Ba... Shirt and a very cheap one. Some Mule-Chinese men wore such kind of shirt. He was wearing it."

Other survivors were able to confirm the death of U Sein to the Committee.

Finding

The Committee confirms that U Sein was arrested and died in detention on or near October 10, 1991. Although the Committee was not able to determine the exact cause of his death they have reason to believe that the harsh conditions of detention and torture sustained during interrogation were contributing factors.

3.1.3 The Killing of Win Naung

In December 1991, the 22 detainees who were arrested at the Bamaw Post were transferred to the Headquarters. One of them was Win Naung, who was said to be suffering a wound on his leg due to torture. Several of Win Naung's fellow detainees from Bamaw told the Committee how Win Naung was left behind on the transfer. They believe that he was killed because he was unable to make a long walking-trip to Headquarters. Aung Kyaw Oo, one survivor, said the following in regard to Win Naung's killing.

"On one of the nights of the third week of December, we were called up to set off on the journey but Win Naung couldn't join us because he couldn't walk. All of us 22 victims were tied with our hands at the back and attached to each other and began the journey during the night. (Was Win Naung included?) No, he wasn't. He was left. It was only 22 of us who were taken on the long and hard trip. We did'nt know where we were being taken to. We only figured out when we reached the Headquarters. It was third week of December or may be around December 20 when we arrived."

Although he did not provide any details, Pouk Kway, Company Commander of the Laisin/ Pajau Headquarter Security Unit, was able to confirm Win Naung's death.

"Win Naung was killed. We trained him. I was his one of the trainers. Before his death he paid his last respect to me, before he got killed."

Finding

The Committee confirms that Win Naung was arrested in August 1991 and was killed sometime in late December 1991. The circumstances of Win Naung's death are unknown but are linked to him being unable to keep up with other detainees because of his wounded leg while they were being moved on foot to the Laisin/Pajau Camp Headquarters. However, the Committee couldn't confirm the actual events or the individual responsible for the killing of Win Naung.

3.1.4 The Killing of Win Thein (also know as A Shay Gyi)

Win Thein (aka) A Shay Gyi was arrested in 1991 in Laisin/Pajau Camp and held in the

3.1.4 The Killing of Win Thein (also know as A Shay Gyi)

Win Thein (aka) A Shay Gyi was arrested in 1991 in Kawsin Pajau Camp and held in the Lecture Hall. Several witnesses mentioned the death of Win Thein to the Committee but no one was able to provide details about the reason or manner of his death. According to several witnesses Win Thein survived interrogation but died of unknown causes during detention. A fellow detainee made this statement about his death:

"It was early night and his body was as if he sent up while sleeping. Then I asked A Shay Gyi 'by what happened?' People loved him. He died. I thought it may have been high blood pressure or food poisoning. But mostly it may have been result of torture that he received during the interrogations and hard work during detention. He had been just fine and fresh for the whole day. It was strange he had such a good mood before he died. He died while we all were sleeping, that night."

Finding

Based on testimony from multiple survivors, the Committee has confirmed arrest and the death of Win Thein in detention in late February or early March 1992. It is however unable to make any findings about the reason of his death.

3.1.5 The Killing of Aung Min/Htein Linn

Aung Min, also known as Htein Linn, was an ABSDF member who was detained in 1991. According to several survivors, Aung Min was killed in 1992 (likely after February 12th) at the detention center.

On the night that he was killed, Aung Min was among the detainees that were forced to provide entertainment for guards and others at the camp. Aung Min sang a song that upset Hla Myo Aung, the Chief Warder. Former detainee Htein Linn told the TJC:

"Aung Min was singing a song which was about many versus one. Ko Nay Win's song. Suddenly Hla Myo Aung exploded said 'You think we have been mistreating you, is that what you think?' and started beating him with his newly made numchucks. Since early evening he kept beating him and sometimes the other guards joined in the beating. Although the other detainees were blindfolded at the time, they could hear Aung Min being beaten. When they awoke the following morning, they discovered that Aung Min was dead."

Finding

Based on the testimony of Htein Linn and accounts of several other survivors, the TJC finds that Aung Min (also known as Htein Linn) was killed at the Kawsin/Pajau detention center. The TJC strongly believes that Hla Myo Aung and other guards are responsible for his death. The exact timing of his death is unknown but is believed to be in 1992 after the February 12 executions.

4. Killings that Took Place outside the Mandate of the TJC

During the course of its investigations the TJC heard testimony about killings that took place outside the mandate of the Committee's work. These included cases that fell outside the TJC's timeline and geographical focus (the ABSDF Northern camp). The TJC believes that these cases merit further investigation and follow up to determine what took place.

- Execution/killing of Hlwan Moe
- Killing of three people during Sagaing Operation
    1. Kyaw Kyaw Ohn
    2. Kyi Soe
    3. Thein Tun

Chapter 5 – Impact of Human Rights Violations

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Background

Human rights violations can have a profound and long-lasting effect on victims and survivors. Many, especially survivors of torture and ill-treatment, experience trauma. This is because the purpose of torture is often not only to gain information or physically punish an individual but also to reduce them to a level of helplessness or distress in order to break down their will. This can lead to short-term emotional impact or even long-term changes in the behavior or personality of a survivor. It is important to remember that trauma is a normal human reaction. No one chooses to experience a traumatic event. It is a shocking experience that is more than a person can handle.

Trauma affects a person's wellbeing on many levels: physical, psychological, social and spiritual. It can also impact a person's livelihood and ability to survive economically. It affects not only survivors but also their family, friends and communities.

The wounds of past human rights violations do not simply go away with the passage of time. Many experience problems that can last throughout their lives. For others the impact may fluctuate, with pain or suffering coming back unexpectedly years after the violation took place. For some trauma is triggered by reminders of the event: the anniversary of a killing, meeting someone on the street involved in the incident, or even a smell that conjures up painful memories of a room where torture took place. It is crucial that victims and survivors have access to psychosocial support and social services to help them address ongoing consequences.

While victims and survivors bear the brunt of trauma, there is some evidence that those that are involved in torture and human rights violations are also affected. This includes witnesses and bystanders to abuses. Studies of perpetrators of violent crimes found that nearly half experienced intrusive memories about what they were involved in.

Parents of Maung Maung Saka Than Swe Oo, who was killed on february 12, 1992 show their beloved son's pictures

Findings of the TJC

During the course of its work the Truth and Justice Committee asked interviewees about the impact of the incidents in the ABSDF Northern Camp on their lives While some reported physical and economic problems, many more spoke about the emotional and social impact of what took place

Physical Impacts

According to the Center for Victims of Torture, common physical effects of torture include headaches, digestion problems, joint damage, dizziness, chest pain, and weakness Survivors of beatings also suffer a high rate head injuries leading to neurological damage More resent research suggests that torture may impair the immune system of victims leading to higher incidence of cancer

Survivors of the ABSDF Northern Camp reported a variety of physical traumas to the TJC The most common ailments reported included back pain, joint pain, amnesia and head injuries. Most of these were attributed to beatings, torture and ill treatment during repeated interrogation sessions and months of poor living conditions while in detention. The following accounts illustrate some of the types of physical trauma that the survivors faced

"I tried to protect my thigh with my back because I could not take it anymore. So my back got beaten and kicked. [Afterwards] when I lay down on my back, my wrist joints made a sound as if it was cracking or falling. When that happened, I couldn't turn over on my other

"I tried to protect my thigh with my back because I could not take it anymore. So my back got beaten and kicked. [Afterwards] when I lay down on my back, my wrist joints made a sound as if it was cracking or falling. When that happened I couldn't turn over on my other side. I went on for 4 years. I didn't hear that sound (from my joints) I felt very stiff. Then when I made a sound I couldn't turn myself. I felt better when I got acupuncture treatment with the Chinese acupuncturist that my Mom told me. It was my painful wrist. The rest was my arm. It is really painful. I can't take it during the cold weather because it is aching so much. My bones are aching because I endured so many beatings with the bamboo sticks."

"Regarding my health, I have stiffness and pain in my wrist. It just began recently. I also have a problem with my neck. I thought it was just normal pain so I didn't do a medical check up. Last year I had a pain in my kidney so I got an X-ray done and I found out that I have serious spondylitis [pain in the vertebrae]. There is also another thing I can't take it when it gets cold. [I get pain] in my legs and shins."

"I had two small strokes in my lower body. It might be because of a blood clot during the cold season. It was not so serious. But the trouble is sometimes I don't remember anything." "I had a very strong blow to my head. I still have headaches. I got checked with machines and they found that there are blood clots in my head. I was shown the size of my blood clots and they were more than half the size that can kill people. I have been on the medication that comes from America. It helped me to dissolve the blood clots and improve my memory. That is why I can tell you all this much." "Regarding my health, my wrist was beaten and my shins were rolled over with very solid bamboo rods. The worst part is my wrist that was beaten very often with the flat wooden piece that locally called Lagoe. We were beaten with that thing like that. The rest was not harm enough to put my life danger."

Psychological and Emotional Impact

Around the world survivors of torture and ill treatment report a common range of emotional and mental trauma. Common symptoms include depression, anxiety, confusion, poor memory, and sleeping problems. Many victims also feel ongoing sadness, shame and even guilt because they survived. Sometimes thoughts about traumatic events enter the mind of a survivor seemingly from out of nowhere, even when they do not want to think about it. Some victims experience nightmares and do not feel safe even during sleep. These kind of "invading" thoughts make it hard to concentrate and can leave survivors with the feeling that they are "going crazy" because they cannot control their minds. Some develop post-traumatic stress disorder (PTSD), which is characterized by symptoms such as recurring flashbacks, avoidance or numbing of memories of the traumatic event(s), and hyper-arousal.

Many survivors also experience difficulties or disruptions in interpersonal relationships after a traumatic event. They can feel that the world is no longer a safe place and find it hard to trust anyone. Irritability, impatience, and angry outbursts are common and can be scary. Many survivors also go to great lengths to avoid people, places or things that remind them of the traumatic event. Together with mistrust, this can lead to social withdrawal and isolation. Some victims increase their use of alcohol or other substances after an event.

The TJC heard about and observed some of these types of impacts when speaking with survivors and family members of those killed. For many, the silence and stigma around the ABSDF Northern case has meant that they have not been able to express their emotions publicly about what happened until recently. For many relatives of those killed, talking to the TJC brought up a range of emotions, including sadness, anger and pride in the sacrifice their loved ones made.

U Pauk, the father of Kyaw Kyaw Oo, told the Committee:

"My son was smart and helpful to his parents. Whenever I think of him, I cry. Now you are asking about him and it makes me miss him a lot. You can imagine how committed he was. His spirit never came back home. I am really sad. I don't about the country but for us it is a great loss."

Than Than, the brother of Ko Cho Gyi and cousin of Htun Aung Kyaw, remembered his loved ones with pain and pride:

"Before Ko Cho Gyi left for the ABSDF he said goodbye to his mother. He paid his last

respect to her saying, "If ever d d anyth ng wrong to yo , physica ly or verba ly apo og ze The path am go ng to take s d ffcu t may give my fe During the ndependence movement there were so many unsung heroes who d ed a ong with Aung San There were so many unknown heroes. f I ever come back home may be one of these Please be proud of your son as an unsung martyr That is what he sa d to our mother t was as t he knew h s fate When I ta k about it, it feels very pa nful."

The Truth and Justice Comm ttee a so be eves that a ot of the peop e who w tnessed or were nvolved n the v o ations n the ABSDF Northern Camp have been affected emot ona y

Ko Thaik Tun Oo, a former Batta on commander of the Batta on #501 to d the T C about problems he faced after eav ng the ABSDF Northern Camp Wh e v ng w th ABSDF members in the Mae Sot area he was sometimes overcome by uncontro ab e eve s of anger and physica y attacked co eagues for no apparent reason He reca ed his emot ona experiences

"t was n August [1996] when returned back [o the Thai and-Burma border] met them [Po t ca activ sts, who recently fled to the border] and we talked Then rea zed that we were wrong I felt very sorry "

He was very nsecure when people spoke about the events back n the ABSDF Northern

"Frankly speaking d dn't know why, but I kind of knew n my mind that the way they spoke made me fee suspicious That nc uded Ko name and Ko name but I cou dn th nk of why t had happened to me But hav ng thought t through t cou d be re ated to he Northern inc dents fe t like was being d strusted by my most trusted comrades" fe t like that."

The T C a so learned about the su c de of Nay Dun a former member of top eadership of the ABSDF Kachin and a member of he Centra Comm ttee of the ABSDF Northern when the inc dents took place He committed suicide n ate 2014 wh e the T C was approach ng h m for an n erv ew Nay Dun strugg ed w th depression throughou t his fe and attempted suicide previous y Wh e the TIC has no proof that the su c de was nked to the events at the ABSDF Northern camp t is poss b e that the impact of events that he witnessed or was a part of contributed to his emotional state.

Some survivors also grapp ed w th anger and aggress ve o tbursts As Htein Linn to d the Comm ttee

"We have a ot of negative impact on our socia l ves For nstance we don t have any k nd of empathy when we deal w th other peop e Norma y we are OK But sometimes when we ose control, we do someth ng very bad to someone I heard about Ko The k [had aggress ve outbursts] and Ko Nay Dun [comm tted su c de n 2014] and I wasn t surpr sed myself have done sim ar th ngs many t mes There was a ce ng beam at Bo Bo s Grandma s house

jumped and hit my head aga nst the beam so hard that the beam was shak ng as f was Be ow I punched every th ng saw h t my head aga nst anything n front of me For nstance when we were having the palm drink smashed a the c ay drink ng pots on my head one by one And then after smash ng a the pots. I k cked everyth ng around me cou d n't contro myself I was very violent and aggressive. That happened to me."

Social and economic impact

Survivors who made it o t of the Northern camp n 1992 a ked about the many cha enges they faced in returning to civ an l fe Many were mon tored and harassed by oca security forces Some were even arrested and deta ned for years as po t ca prisoners This ead to repeated abuse, trauma and stigma with n the community

For some this a so ed to diff cu t es n return ng to schoo and getting jobs Nang Saw told the Comm ttee how she was repeatedly den ed entry at school because of her exper ence

"Because I am a woman and was living in a rural area, I didn't have any friends or commun ty When got back home got in a ot of trouble n Bamaw tried to enro at the

"Because I am a woman and was living in a rural area, I didn't have any friends or community. When I got back home, I got in a lot of trouble in Bamaw. I tried to enroll at the local school, but the school didn't accept my registration. When the teachers accepted me, principle said no. When the principle said 'yes', the deputy principle said 'No' again."

Tun Oo Khine explained how he was forced to give up a critical job training opportunity.

"It was 1996 and I came to take the refrigeration mechanics training in Mandalay. I was staying at Ny Nyi Kyaw's house. And the Military Intelligence #1 tried to arrest me. I didn't know the reason so I had to come back to Shwebo. Ny Nyi Kyaw got arrested along with other friends."

These struggles lead to disappointment and long-term economic challenges for some survivors and their families. As Paw Oo told the Committee:

My family was very sad as they put all their hope in me because I am the eldest son. I was in the middle of my education [when I joined ABSDF] and I could not do anything after all these things had happened to us. My parents got very sad."

One of those involved in incidents at the ABSDF-Northern Camp, Ronald Aung Naing, also told the Committee how his career was affected by events and the actions of survivors in its aftermath. Unlike the survivors, Ronald Aung Naing felt that he was still able to find work.

"I was affected personally and professionally. There were complaints not to employ me, especially by Ko Htein Lwin and his wife. When Ko Htein Lwin wrote the complaint against me, it wouldn't have had much impact on me, but his wife, as former British Ambassador to Burma and officer of the British Foreign Affairs Department, it really made an impact on me. I have been fired twice already. But I can still manage to get work as I am appreciated for the work I do. People know about Aung Naing (me), they know I am not drunk for the power while many think I am a bad guy and accusing me that I killed Htun Aung Kyaw for power."

Many survivors also spoke about the impact of the ABSDF-Northern incidents on their relationships with friends and community members. The stigma of being accused of being spies was especially devastating, and brought about great feelings of anger, mistrust, and sadness. After devoting their lives to the struggle, many survivors felt and still feel betrayed by the ABSDF and the lack of acknowledgement and support for what they suffered.

Some survivors found it hard to trust people and were reluctant to discuss what happened except with family and close friends. Some reported that they were suspicious of people in general, especially those that asked questions their past.

Nang Saw eloquently shared her story with the Committee:

"I had unintentional resentments against people. I didn't trust anybody. When I got back to Burma, I still didn't trust anybody and I still didn't want to talk with anyone. I only spoke with people who spoke the same language. Even some NLD members visited my home and asked some questions such as when I got imprisoned and on what charges. I told my Mom, 'don't answer them. We can't trust the NLD people.' I was very suspicious of everyone. I didn't want people to know about me. I was also suspicious of political activists."

The incidents of 1991-92 had a profound effect on relationships between ABSDF-Northern members. This includes not only the relationships between survivors and those who were responsible for abuses, but also between witnesses, and other ABSDF members who were present at the camp at the time. Deep feelings of distrust linger.

Sein Aye, a former ABSDF-Northern Central Committee member, was intercepted by the government on the Indian border in the late 1990s and held as a political prisoner for over a decade. Released in 2012, he spoke to the TJC about his feelings about the past and the ABSDF.

"When we went (joined the armed struggle), we had indomitable (or) youthful anger. But when we faced some barricades, the way we dealt with them was flawed, I think. The organization is stained in doubt which is not good. I myself worry that somebody is going to do something to me if I go back to the organization now. Still I have that worry. Before people were suspicious of someone released from the prison. When I got out, I felt lonely and the impact (from this event) is still affecting me. It won't be good for long time."

Min Htay, a former member of the ABSDF Northern Camp who witnessed what took place, gave the TJC this poignant account:

"Because of that, it destroyed our unity. We also suffered emotional pain. We are keeping our distance when we meet in person. No matter how close we were before, now we are looking at each other with doubt. We have to be very careful when we speak. When we met any of them, we were tearful. We tried very hard not to be. It happened when I met Nang Saw during the 20th Anniversary of the ABSDF. Both of us cried very hard. We didn't know what to say. That happened."

Survivors, Victims and Families in Katha

The Truth and Justice Committee traveled to Katha as part of its work and was struck by the impact that the incidents of 1991-92 continued to have on survivors and families. The case study of Katha illustrates the interconnected and ongoing pain caused by abuses committed at the ABSDF-Northern Camp.

Katha is a small town in the Sagaing Region of Myanmar, on the west side of Irrawaddy River. As part of its proud history, Katha was the home of legendary English writer George Orwell lived while he served in the Indian Imperial Police. Orwell made Katha the setting of Burmese Days, his first novel.

Nine student activists from Katha joined ABSDF Northern between 1988 and 1990. Sadly only four of them made it back home. All nine were arrested and detained under the charges of "spies" and five of them were either killed during interrogation or executed on February 12, 1992.

While conducting interviews and gathering data in Katha, the Committee encountered tremendous bitterness against the ABSDF and its leadership. Understandably, the Committee was received with suspicions. It took time to address concerns and explain its work.

Many family members of the survivors, and those killed feel that being relatives of those "disgracefully accused as spies" brings enormous shame to their families. They want the dignity of their fallen loved ones to be restored.

One of the fathers stated,
"I would understand if I had lost my son in the armed struggle, and would have been a proud father. But I can't accept having my son labeled as spy, tortured and killed. I won't accept any apology and demand justice."

Another father expressed similar views:

"Prove to me why my son was charged as a spy. Did he destroy the ABSDF Northern or did he make it better? All of them from Katha joined (the ABSDF) with their own belief. It was a great loss for the parents. You will understand when you become parents yourselves. For the parents, can't let bygones be bygones."

More surprisingly, the TJC found high levels of distrust between survivors and some family members of those who didn't come home. Even in such a small town there were no social ties with some family members and the rest of the survivors.

This was demonstrated by the fact that when the TJC arrived in Katha and asked the survivors to take them to the parents of those killed, the survivors explained that the parents have strong suspicions about them because they escaped the bloody incident while their loved ones didn't. Worse, the parents accuse the survivors of being complicit in the killings of their sons.

As one survivor explained:

"Until recently, we always tried to avoid seeing the parents of our fellow comrades who didn't come back home with us. The reason we avoid them is so we don't have answer the question 'how come you came back but not my sons?' Sometimes we wish we also would have been killed along with them so that we don't have to be in this situation."

have been killed along with them so that we don't have to be in this situation."

This distrust was confirmed when the Committee met with some of the parents of those who were killed. One father told the Committee:

"I wouldn't have let you all in my house if I had known that they, the survivors, took you to my house. I don't trust them. If I knew you were with them, I would have driven you out and wouldn't have let you in my house."

Addressing the Impact

It is a heart-rending position that all survivors and families of former ABSDF Northern in Katha Town are living with the ongoing impact of what happened. The emotional and physical pain of the Katha families that the TJC encountered was palpable.

There is an urgent need to provide effective remedying measurements to Katha survivors and victims, and to all that have been negatively impacted. Types of remedies include health care, psychosocial support, scholarships, memorialization, accountability and providing the truth about what happened.

The Truth and Justice Committee is hopeful that this report is the first step to fulfilling victims' rights to truth. This report also contains recommendations for further ways that the ABSDF, government and civil society can provide additional support.

Chapter 6 – Accountability

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Accountability

Accountability is one of the main objectives of the ABSDF Truth and Justice Committee and we recognize that it is a significant task. The Committee was created to document a historical record based on the truth, to promote accountability and to assign responsibility for what happened. The Committee believes that holding perpetrators accountable is an essential part of providing justice for the survivors whose rights were severely abused.

Fathers of Kyaw Kyaw Oo and Tin Maung Aye, both were killed during the incident

Definition of the Accountability

Accountability refers not only to court proceedings that are usually part of criminal justice efforts but also includes a more comprehensive fulfillment of the rights to truth, to remedy and to guarantees of non-recurrence. Accountability is the opposite of impunity. Diane Orentlicher's "Report of the independent expert to update the Set of Principles to combat impunity" asserts the state's obligation to "to investigate violations, to take appropriate measures in respect of the perpetrators, particularly in the area of justice, by ensuring that those suspected of criminal responsibility are prosecuted, tried and duly punished, to provide victims with effective remedies and to ensure that they receive reparation for the injuries suffered, to ensure the inalienable right to know the truth about violations, and to take other necessary steps to prevent a recurrence of violations."

It is important to note that accountability is the state's obligation and the Truth and Justice Committee's efforts to reveal the truth do not free the state from its responsibility. As has been widely documented, the military that ruled Burma from 1962 to 2011 committed large-scale, serious human rights violations. The current government has shown no political will to uphold its obligations to the victims of those violations. The TJC believes that comprehensive accountability measures are needed to uphold these rights of all victims. Our efforts to address the 1991-1992 ABSDF Northern incidents must be understood within that larger context. The Committee does not have judicial power and it recognizes that only the state can deliver the justice through an existing legal system, but the political will and technical capacity of Myanmar's judicial system is sorely lacking.

The Committee also believes that the victims of the 1991-92 incidents should not have to wait until the state initiates a comprehensive initiative to address the past, and this report is

a first step towards fulfi ng the rights of the vict ms by revea ng the truth about he incidents. The Committee has documented events and heard f rst-hand accounts of those involved It reached out as thorough y as it cou d to a relevant actors and honored the rights to truth as per its mandate and scope

Meeting with current ABSDF-Northern leaders

Levels of responsibility

This report identifies two leve s of responsib ity: Organ zationa Responsib ity and Individua Responsib ty The Committee wi analyze both eve s in th s chapter based upon its documented data. The Committee also recogn zes that organ zat ons are composed of individuals, therefore, the dist nction does not a m to remove responsibility from ndividua s by putting it on the organ zations: rather the ana ysis a ms to provide the context n which the incident took p ace, to dentify the different roles individua s had (e g. direct perpetrator, decision-makers and commanders. etc.). and to contribute to recommendations that both individuals and organ zations should now take

Organizational Responsibility

Organ zat onal responsib ity is an important aspect of analys s in understanding how and why past human rights violations took p ace and n estab shing accountability ABSDF's decision to conduct an inquiry nto its respons bil ty for past vio ations has a precedent in other revolutionary movements. Umkhonto we Sizwe (known as MK), the armed wing of the African National Congress (ANC) in South Africa was accused of committing gross human rights violation in its exi ed detention centers over its fellow men who were arrested and deta ned for acts of mutiny and esp onage. The ANC formed two separate commissions to address its past human rights violat ons as we as tak ng organ zationa responsib ity In its fina report the Skweyiya Commission out ned its format on wh le stat ng the importance of organizational accountab ty, "We sha do so in the consciousness that our strugg e for liberation is imbued with the morality of democracy and just ce, of progress and peace "

Wh e the situation in Burma s obviously not the same as n South Africa, we recognize th s common impu se to dea with past human rights vio ations. The Truth and Justice Comm ttee recogn zes the importance of assign ng organizat onal respons bility in order to recognize the past misdeeds, restore and respect the d gnity of the survivors, pass on the culture of accountab ity, restore the dignity of the organ zation, and prevent human rights violations from occurr ng aga n in future

The TJC defines two parts of organizational responsib ty in the ncidents of ABSDF Northern

- The ro e of the ABSDF-Northern
- The involvement of the ABSDF (Headquarters)

(1) Organizational Responsibility of the ABSDF-Northern

The TJC evaluated the role of the ABSDF Northern in two ways
Whether t acted a one n taking decisions and comm tting human rights violations
The command structure of the camp and which sections of camp leadersh p bear responsib ity for violations

Autonomy of ABSDF Northern

n conducting ts research the T C found that the ABSDF Northern acted a one n comm tt ng human rights violat ons n nterv ews with camp leaders nearly a noted that the ABSDF-Northern acted ndependently

For nstance n an nterview with the TJC, Aung Naing, former Cha rperson of the ABSDF-Northern Camp explained how the decision to execute 15 members on February 12 was an autonomous one

"We decided by ourselves as we were given our own ur sd ction We bare y et the Southern [ABSDF Headquarters] know what we had done Unti we had that dec s on they [ABSDF Headquarters] d dn't know the details of what was happen ng here "

As a resu t the TJC places the greatest respons bil ty for violations on ABSDF Northern leadersh p

ABSDF Northern Command Structure

The T C a so looked at the command structure of the ABSDF Northern Camp to determine f there were particular parts of the organization that bear particular responsib ity for vio ations

As noted in the chapter on Context, the command structure of the ABSDF Northern concentrated power in the hands of senior mil tary eadersh p because of the r dua ro es as both military leaders and Cen ral Committee eaders The TJC found ev dence that some ABSDF Northern mi tary structures played a d rect role n instigating and carry ng out human rights vio ations The ABSDF nte gence Unit was the main mechanism carrying out the nc dents. Most survivors and witnesses cited the nte gence Unit as the key n tiator and perpetrator of arrests and interrogations n the camp Their violations have been accounted in details by the survivors n the Human Rights v olat on chapter Others that are sa d to have occasiona y taken part n arrests, torture and kil ngs nc ude some Batta on Commanders, some Centra Comm ttee members, and off cers of the Headquarters Secur ty Unit Due to heir lead ng role the T C finds the Intel gence Unit s most respons ble for the torture and kil ngs that took place during interrogations.

The TJC a so finds that the ABSDF Northern Central Committee (CC) bears the brunt of command respons bility for violat ons that took p ace n 1991 1992 The T C notes however that a arge number of Centra Committee members were arrested and became vict ms themse ves The Central Committee was u timately respons ble for a dec sions and actions taken in the camp This inc uded arrests, interrogations, and oversight of detention condit ons of those arrested. The ABSDF Northern Centra Committee fai ed to denounce or halt the w despread torture and i treatment of deta nees t fai ed to prevent or address responsib ty for the deaths of 19 detainees that were k ed during nterrogat on or died during as a resu t of inhumane detention condit ons

Most strikingly the ABSDF-Northern Centra Comm ttee took the lead ng ro e in ordering the executions of fifteen ABSDF members on February 12 199? Accord ng to the informat on that the TJC collected, the Central Committee of the ABSDF Northern made its dec sion unanimously after d scuss ons. The meeting with eight Centra Committee members of ABSDF Northern and one Battalion Commander was held on February 11, 1992. Ch ef of Staff Than Chaung (now n Tharrawaddy Prison and General Secretary Myo Win ,died n action n 1992) reported to the CC based on the information that they had gathered from the in errogat ons. As one witness told the T C the ev dence for the dec sions rested with the mi tary leaders within the CC who lead the nterrogat ons

"A of us were there Aung Na ng, Myo Win Than Chaung, a Seng, Sein Aye Nay Dun and Aung Gyi were there We dec ded upon their f nd ngs Supposed y they were so d We

"All of us were there Aung Naing, Myo Win Than Chaung, La Seng, Sein Aye, Nay Dun and Aung Gyi were there We decided upon their findings Supposedly they were solid We could not actually ask whether or not they were substantial The interrogations were handled by lower level personnel but they were supervised by Myo Win and Than Chaung. But when they wanted to make a decision they called upon a Central Committee meeting and made it like the Central Committee's decision."

La Seng served as Joint General Secretary of the CPB at that time. He also highlighted the role of Myo Win in the Central Committee's decision.

"We were debriefed in short. Myo Win was doing all reporting. We were not allowed to read all [of the interrogation reports], frankly speaking. I could read some I didn't know some part of case regarding Htun Aung Kyaw. Myo Win did it by himself."

Yet La Seng also acknowledged the Central Committee's role and his own role.

"Yes, it was the [ABSDF Northern] Central Committee decision I took part in it, and listened to it. We also gave our opinion. Myo Win ended the whole thing while we were more like supporting. That happened and that is how I got involved."

While the TJC believes that Myo Win and Than Chaung played a key role in leading evidence the Central Committee accepted the information and used it to make decisions. One witness claimed that the CC considered several options.

Kyaw Kyaw, the delegate from the ABSDF Third Conference who was present at the meeting, described the decision making to the TJC in this way:

"We did not want to keep it [the current situation] for long. We did not want to keep all of them here, but we also did not want to release them. We had these thoughts. We preferred to transfer them to the CRC. But when we had no other options, we decided to sentence them to death."

No other eyewitnesses mentioned other alternatives. The TJC strongly believes that the focus of the CC's discussion was executions. The main debate was around how many and who to execute. According to multiple eyewitness reports, the Central Committee initially considered sentencing to death nearly 50 out of total 106 detained ABSDF members. Later however, they reduced the number to 15. Aung Naing reflected on the decision-making process in his testimony to the TJC.

"We had a meeting on February 11 and made the decision. Than Chaung, Myo Win, Sein Aye, Nay Dun, Kyaw Kyaw, Aung Swe Oo and myself were in the meeting. Aung Swe Oo was at the meeting as a military officer. Initially there were discussions to execute 50 of those who had been arrested. It didn't make sense to execute 50 people. We had our doubts. Many Myo Win and myself said not to kill a lot. Finally, we came to the agreement to execute 15 people and we would let some go and we would reinstate some into the organization."

The TJC was not able to determine how the CC came up with the final list of 15. The TJC believes that the CC chose detainees with visible injuries such as Cho Gyi and Aung Phoe and outspoken members who were unlikely to keep silent if released. Kyaw Kyaw claimed there were a variety of reasons in his statement to the TJC.

"Finally, we had to resort to that option. We made the list based on who were the most responsible, who had brought the most destruction to the organization, so on and so forth. Then we came up with a list of 15. We all made the decision to sentence them to death. Myo Win, Than Chaung, Nay Dun, Sein Aye, Aung Gyi, Aung Naing and myself were included in the meeting."

Key Findings

In reviewing the evidence the TJC makes the following findings The ABSDF Northern acted alone

- Military leadership and particularly the Intelligence Unit were key perpetrators of arrests, interrogations, and killings torture and ill-treatment during interrogations and detention.
- Central Committee members of the ABSDF-Northern takes overall command responsibility for human rights violations Some Central Committee members of the ABSDF Northern also played direct roles in perpetrating violations

(2) Responsibility of the ABSDF Headquarters (HQ) and Central Leadership

The Truth and Justice Committee also considered the responsibility of the overall ABSDF for preventing and addressing human rights violations in the ABSDF-Northern Camps In order to evaluate their responsibility, the TJC considered three issues.

1. The power structure and relationship between ABSDF-Northern and the central ABSDF organizational leadership at the time What was the management structure of the ABSDF during the time of the incidents? What kind of control or command responsibility if any, did the ABSDF have over the Northern Camps?
2. What the ABSDF Leadership knew about the violations in the Northern Camps and when they found about them
3. The steps, if any the ABSDF leadership took to stop, prevent, and/or address human rights violations in the Northern camps in 1991-92 Were they adequate?

2.1 Relationship between ABSDF-Northern and ABSDF Central Leadership

The All Burma Students Democratic Front (ABSDF) was founded on November 1 1988 in the area controlled by the Karen National Union near the Thailand - Burma border When it was established the ABSDF operated 11 camps in areas controlled by ethnic armies along Burma's borders with Thailand India and China.

The ABSDF was established at its 1st Conference which took place in Southern Burma near the Thai border from November 1 to 5 1988 Delegates from ABSDF's founding camps worked together at the inaugural conference to draft a Constitution to outline policies and to elect leaders The first elected Chairperson of the ABSDF was Htun Aung Kyaw, who served from 1988-1989

The 1988 Constitution established the Central Executive Committee (ABSDF CEC) as the highest governing body of the ABSDF The CEC had extensive powers to make directives rules and punishments as long as it was with the "decision of all the CEC " The CEC was however compelled to follow decisions made by the ABSDF Central Committee (ABSDF CC) which was in turn elected by delegates at regularly held Conferences

ABSDF's Constitution also laid out the vision and governing principles of the organization to which all camps were expected to adhere. These included strict rules for ABSDF membership which were outlined in Chapter Five of the Constitution. According to Article 26, some of the things ABSDF members were prohibited from included

- being members of any other political organization
- using drugs
- social misbehavior
- committing rape
- harming innocent people
- abusing power and harassing people under their command

- misusing budget or other properties for their own benefit or anyone else's
- gambling

In addition ABSDF members must

- avoid behavior that would result in bringing shame or harming the unity of the organization
- avoid behavior expression that would bring harm to the dignity of ABSDF and its members

Article 26(1) specifically addressed the issue of spies by stipulating that all ABSDF members must avoid any activities that can leak the secret activities of the organization.

The Constitution also laid out a range of punishments for different crimes, including strong warning, stripping of rank, temporary suspension, expulsion, arrest and prosecution. For those who committed more serious crimes such as rape, harming innocent people, or abuse of power, arrest, prosecution and a death sentence were prescribed. For those found guilty of spying (Article 26(1)), the ABSDF Constitution recommended the death sentence.

While the ABSDF Constitution laid out strict rules and modes of punishment, it also set out measures to ensure that those accused of crimes were given due process and the right to appeal. Article (31) of Chapter (4) guarantees the rights to defend through a fair trial.

Of particular importance is Article 28 which states that if someone makes a complaint/appeal against any decision or punishment made with the decision of the CEC, they can apply to the nearest conference. During that appeal process, death sentence or any sentence must be suspended.

This effectively meant that an ABSDF member could appeal a death sentence all the way up to a Conference.

While the Constitution set out policies and codes on paper, implementation and enforcement in camps is believed to have been loose in the early days of the ABSDF. During this time camps dealt with individual crimes on their own.

With little resources and means of communication, overall day-to-day management was left to camp leaders. From 1988-1992 most camps operated relatively independently of each other and Headquarters. While each camp had to elect a Camp Chairperson and Camp Central Committee, they were free to decide upon their activities and to establish their own oversight structures. Many camps were influenced by and adopted the leadership styles of the ethnic armies that hosted and trained them.

As a young organization of students, the ABSDF Central Leadership had no experience in managing such a large and growing organization. From 1988 to 1994, there was almost no centralization in terms of military strategy or command, and almost no support from the Headquarters went to the camps in the regions.

This was particularly true of the ABSDF Northern, which was very far geographically (over 1,000 kilometers) from the HQ and live camps in the Southern part of the country. ABSDF-Northern was also hundreds of miles from any neighboring camps or battalions. Between 1988 and 1992, there was no direct communication system between the HQ and ABSDF-Northern. All messages had to be relayed in person or go via KIA's radio communication. By 1991, ABSDF-Northern was operating with a great degree of autonomy.

ABSDF central leadership and its ability to control ABSDF Northern was even further weakened by internal disputes that arose in 1991. Intense internal divisions at the ABSDF Third Conference resulted in a split that would divide the organization from 1991 until 1996. The impact of the split was most intensely felt in August-October 1991 (during the Third Conference) when power negotiations left ABSDF overall leadership in limbo. While the Conference delegates deliberated, ABSDF Northern and other camps were given even less attention than usual. The timing of the split coincided almost exactly with the beginning of the incidents the ABSDF-Northern camp with the Third Conference starting only a week after the first arrests were made.

While the ABSDF HQ through its Constitution, sanctioned the use of the death sentence for spies, it only allowed it in cases where the accused were guaranteed rights to due process and right to appeal.

While ABSDF HQ exercised some authority on paper over the ABSDF Northern in reality it had little effective control. In the years leading up to the violations (1988-1991) ABSDF was a new organization with little leadership experience. All camps including ABSDF Northern operated with a high degree of independence. ABSDF Northern was especially autonomous given its geographical distance from HQ and other camps. The ABSDF leadership crisis further complicated and confused lines of command and authority of HQ over the ABSDF-Northern.

2.2 What the ABSDF Central Leadership knew and when they knew it

According to data gathered by the TJC, the ABSDF leadership learned about the incidents at the Northern Camp during its Third Conference (which was held at the Salween Camp in Southern Burma near the Thai border) from August 14 – October 25, 1991. The Third Conference was tumultuous and resulted in the split of the ABSDF into factions commanded by Dr. Naing Aung and Moe Thee Zun. The split dominated the Conference with factions working day and night to campaign for leadership of the ABSDF. It was against this backdrop of intense internal division that news of the events in ABSDF Northern first trickled in. The news arrived in at least three ways.

The first news came via a telegraph sent by the Kachin Independence Army. Moe Thee Zun, the Chairperson of the ABSDF from 1989-1991, received the message. He could not remember the specific date of the message but the TJC believes that it was in August 1991. He provided the TJC with the following details:

"While in the Third conference, I was informed by Kachin General Zaw Sa and his group about the incident. It was about noon. So I called up the Central Executive Committee emergency meeting."

Dr. Naing Aung, former ABSDF Chairperson 1991-1998, was present at the Third Conference and confirmed that Moe Thee Zun had informed delegates about the telegraph he received.

"It was while the Third Conference was being held that these things happened. According to the Conference record, it was held in Salween Camp from August 14 to October 25, 1991. Ko Moe Thee [Zun] reported to the Conference that the ABSDF Northern had arrested the government spies that included their own Central Committee members. The delegates of the ABSDF Northern to the conference including Ko Soe Lin (one of the (ABSDF) delegates) strongly objected it."

The TJC also heard evidence about another transmission from the ABSDF Northern camp to the Third Conference. After the formation of the ABSDF (Kachin), Hla Htay (one of the three politburo members) was assigned to go the ABSDF HQ as a representative of the ABSDF (Kachin). He was elected as one of the Central Executive Committee members at the Second Conference. He attended the Third Conference as a delegate of the ABSDF Northern. He told the TJC how he was contacted by Myo Win (ABSDF – Northern) over radio communication device on August 19, 1991.

"On my way to the Conference venue, I was told to come to Kachin HQ to receive a radio message. I skipped the conference that day. We talked on the radio. I recorded the whole conversation. It was Major Kyar Phu of KNU taking charge of the radio while Myo Win was on the other side of the radio. He spoke about the arrests, who was arrested, and the numbers of the government spies. We talked about a lot."

Hla Htay told the TJC that he informed other delegates at the Third Conference but it is unclear whom he spoke with and what he shared about his conversation with Myo Win.

The third way in which delegates at ABSDF's Third Conference became aware of the incidents at ABSDF Northern was through a press conference held by the Burmese

The third way in which delegates at ABSDF's Third Conference became aware of the incidents at ABSDF Northern was through a press conference held by the Burmese government with three detainees who had escaped from the camp. The press conference was held on October 11, 1991, well after the telegraph and radio message sent by the ABSDF Northern Camp.

Dr. Naing Aung also confirmed to the TJC that delegates were informed by the press conference. He related the following:

"Three members who deserted the ABSDF-Northern held a press conference with the government SLORC at that time. Some delegates who had listened to the press conference told us that over 40 ABSDF Northern members had been arrested including Chairperson Htun Aung Kyaw and 5 other Central Committee members of the (ABSDF - Northern), and there were brutal interrogations that resulted in the death of 5 members already."

Key Findings

The TJC concludes that the ABSDF HQ was informed about events in the ABSDF-Northern Camp via telegraph, radio message, and press conference during its Third Conference. Although the TJC could not confirm the exact dates of the telegraph and radio transmission, it believes that they (key) were sent in August 1991. With the press conference confirmed as taking place on October 11, 1991, the TJC believes there is no doubt that ABSDF Central Leadership was aware of events in ABSDF-Northern Camp by mid October 1991.

Given the factionalism and communication difficulties that dominated the Third Conference, the TJC was not able to pinpoint what level of detailed information about the incidents was shared with whom in the ABSDF Central Leadership. Based on the statements of Moe Thee Zun and Dr. Naing Aung, the two highest ABSDF leaders during and after the split, the TJC is confident that ABSDF leadership of the time had knowledge that ABSDF-Northern members had been arrested as spies, tortured, and killed.

The Role of ABSDF HQ in Preventing and Stopping Human Rights Violations in the ABSDF-Northern Camp

In considering the organizational responsibility of the ABSDF HQ, the TJC also looked at what steps it took (or did not take) to stop human rights violations at the Northern camp, and to prevent further abuses. It also looked at its role in promoting and/or perpetrating violations. In analyzing this issue, the TJC found that ABSDF HQ responded to events in the Northern Camp in a limited way.

Failure to Discuss/Address ABSDF Northern Events at ABSDF Third Conference

Despite the fact that key ABSDF leaders and other delegates were aware of what was happening at the ABSDF-Northern Camp, there was limited discussion or action taken at the Third Conference. Dr. Naing Aung told the Committee how there was no time to address the issue:

"That was how we got informed or knew. As Moe Thee's report to the conference based on the telegraph and the press conference. However, we didn't have a moment to discuss that matter in the conference." According to other accounts, delegates were not sure how to raise the issue or who was responsible, especially after the decision was taken for the ABSDF Northern Camp to go under the leadership of the faction led by Dr. Naing Aung. Moe Thee Zun explained to the Committee how it was difficult for him to act once he found out that violations were taking place:

"There were not reports of torture when we got informed. A week later, we split into two ABSDFs. And both factions were acknowledged by Democratic Alliance of Burma (DAB). The ABSDF Northern decided to support Dr. Naing Aung group so I had no way to impose my instruction or suggestion on them."

The one exception to the silence was the sending of an advice-giving message in response to the radio message sent by the ABSDF Northern Camp during the early days of the Conference. Moe Thee Zun described to the Committee how the message was drawn up after he received the telegraph:

" called up the Central Executive Committee emergency meeting. The message we gave [to the ABSDF Northern] was do not torture those people under arrest of alleged government spies conduct the interrogation with the alliance and if they were the spies transfer them to Red Cross or NGOs think that Kyaw Kyaw Aung Htoo Mahn Mahn took part in the meeting as much as can recall "The TJC was not able to confirm the date that the advice giving message was sent but believes it was early in August 1991 before the split had taken place at the Third Conference The TJC heard no evidence that there was any response or follow up to this message

It was beyond the scope of this report for the TJC to interview a large number of delegates from the Third Conference to determine why the matter was not addressed While the TJC acknowledges the challenges created by the split it finds it tragic that ABSDF leaders did not take the matters at the ABSDF-Northern Camp more seriously The failure of ABSDF Third Conference leaders to quickly address the situation undoubtedly lead to new and ongoing violations in the ABSDF-Northern Camp

Sending of Kyaw Kyaw to ABSDF-Northern Camp

With the closure of the Third Conference a decision was taken by the faction lead by Dr Naing Aung (which had authority over the ABSDF Northern Camp) to send Kyaw Kyaw one of the three representatives of the ABSDF Northern at the ABSDF HQ at the time back to the Northern Camp Dr Naing Aung described the action to the Committee in this way

"We assigned Kyaw Kyaw to go back to the Northern in January (1992) and gave him a letter for them in which we urged them to report the findings as soon as possible to take no further action without consent of the Central Committee as a whole and make direct communication with the HQ It was in January 1992 "

KyawKyaw Kyaw returned to the ABSDF-Northern in early 1992 and was able to meet with Northern leaders and even some detainees. He gave the TJC the following account

"It took me a month to reach the ABSDF-Northern camp. I arrived there at early 1992 I myself met and had a talk with Htun Aung Kyaw and also with Samar Ny Ny We talked also met some others who were included in the group of 15 [executed on February 12] My idea was we want to transfer all of them to ICRC but they [ICRC] didn't seem to accept them "

Ultimately Kyaw Kyaw was not able to persuade ABSDF Northern to use this option He acknowledged to the TJC that he was part of the ABSDF Northern Committee that decided to sentence 15 to death on February 12, 1992

The TJC was not able to ascertain if there was any communication between Kyaw Kyaw and ABSDF HQ after his return to the ABSDF Northern camp There is no evidence that ABSDF HQ attempted to make contact with Kyaw Kyaw or follow up with him about his mission According to Dr Naing Aung the ABSDF leadership did not hear anything until the February 12 executions were published in Thai media He told the TJC

"Since then on after Kyaw Kyaw returned to the North) we received or heard nothing. Then the news report by Yindee in The Nation newspaper appeared on February 29, 1992 We knew only when she told about the Feb 12 event "

It appears to the TJC that Kyaw Kyaw acted on his own upon returning to the Northern Camp While the TJC finds that sending Kyaw Kyaw was a positive step by the ABSDF HQ it ultimately had no effect on preventing the executions or stopping ongoing detentions and violations.

Statements Made by the ABSDF HQ following the February 12, 1992 Executions

After the February 12, 1992 killings both ABSDF factions released statements A total of four statements were released

- Press Release "According to the reports attached with documentary evidences from the Northern Division (ABSDF), 15 spies of SLORC were executed" by ABSDF Joint General Secretary 1 U Aung Htoo (signed by Aung Htoo) 1 March 1992
- ABSDF Statement on the Execution of 15 Alleged SLORC Spies signed by Chairman Moe Thee Zun of the ABSDF Central Leading Committee) 8 March 1992

- Declaration of the ABSDF, signed by ABSDF Central Committee members, 17 March 1992
- Press Release by the Chairman of the ABSDF concerning with the spies those arrested in Northern ABSDF (signed by Dr. Naing Aung), 31 May 1992

The common stand of all four statements was a call for the killings to stop. The TJC believes that this had a positive effect on preventing further executions in the camp.

In all four statements ABSDF leadership also distanced themselves from the decision to execute the detainees, emphasizing that ABSDF Northern acted alone. Dr. Naing Aung highlighted this in his description to the TJC of Aung Htoo's statement:

"Aung Htoo was taking in Charge in Bangkok at that time. He released a statement by the authority of the Foreign Affairs Department while the Central Committee HQ asked them [ABSDF Northern] via KNO radio communication about the incident and released a statement on March 17. It said the HQ did not have knowledge of what happened due to the far distance and requested the international community to help solve this case." Tragically however, the Truth and Justice Committee has found that the statements by Chairperson Dr. Naing Aung (31 May 1992) and Joint General Secretary 1 Aung Htoo justified the February 12 execution as "enemy spies killings."

Dr. Naing Aung's press release carried specific weight because it was issued after his visit to the ABSDF Northern Camp. It states:

"I have no more dispute about the righteousness to execute 19 spies. However, myself on behalf of the Central Committee, have the responsibility to say that even though there was no participation by the Central Committee on the decision process."

As a result, although both statements also make it clear that ABSDF-Northern acted on its own without consulting ABSDF leadership, the tone of these messages still sent a signal that the executions were in some way justified by the top levels of ABSDF leadership.

Visit of ABSDF Chairperson Dr. Naing Aung to ABSDF Northern Camp

In the wake of the executions Chairperson Dr. Naing Aung went to the ABSDF-Northern camp. According to Dr. Naing Aung's account he arrived at the camp on April 9, 1992, almost two months after the executions had taken place. Although the TJC was not able to establish the full details of Dr. Naing Aung's visit, it believes that he had extensive meetings with ABDF-Northern leadership and some detainees.

Dr. Naing Aung provided details of the trip to the TJC., stating:

"I contacted the ABSDF Northern to see if I could come. I told them I would come myself. So I went there. I arrived at the Northern camp after the February 12 event. I traveled with Major Sai Lin and Lt. Sai Tun. "My plan was to understand what was going on, to deter the same thing from happening again, and to build a better communication system and understanding. I met all the people but Myo Win. I mainly told them to remove the shackles [of detainees] and not to do any more killings. I also urged them to provide food and medical care and they said they would. It was the first time I met the Northern leaders. It was too early for me to guarantee [safety] for all the prisoners. The Northern leaders had all the authority in their hands."

"When I arrived at the Northern camp, they remained proud of what they had done or could discover the enemy spies. They thought they were right. I listened to what they said and urged them stop doing these things."

Survivors who spoke with the TJC explained how they were greatly disappointed and angered by Dr. Naing Aung's visit. Many had high expectations that he would take a strong stand and end the crisis in the camp. Ohn Kyaing said the following about Dr. Naing Aung's visit:

"We all relied on him when he arrived at the camp. We hoped that because he is the Chairperson that he would take responsibility and solve it, but it was wrong." Nang Saw echoed Ohn Kyaing's sentiments.

"In my mind, I hoped that the southern ABSDF comrades would prevent the incidents but they did not."

According to survivors, Dr. Aung Naing met with some detainees during his visit. Multiple survivors told the TJC how Dr. Naing Aung specifically asked detainees from the 501 Battalion if they were spies. The TJC also heard allegations that Dr. Naing Aung beat detainees during his visit, including slapping at least one detainee on the ear.

Thein Tun, a medic from Battalion 501, and claimed that he was slapped by Dr. Naing Aung. He gave this account to the TJC: "Dr. Naing Aung questioned us about who were belonged to 501. Than Zaw and Aung Soe Myint (members of the Intelligence Unit of the ABSDF-Northern) were with him at my turn. 'Are you a spy?' he asked. I told him that 'you can ask my brother, Dr. Thaung Tun. He can corroborate for you.' It is clear.' Then he said, 'how dare you.' and slapped me with his shoe. My ear was bleeding. I received the treatment when I got back to Rangoon."

Dr. Naing Aung responded to that statement in two separate interviews with the TJC:

"I patted his shoulder not his head. I do not have violent mind to make (someone) bleed."

Response of the ABSDF Leadership 1992-2015

In the decades since the incidents of the ABSDF Northern Camp, the ABSDF as an organization has been largely silent on what took place. Many of those involved in the incidents in the ABSDF Northern Camp remain active members of the ABSDF while others (notably Dr. Naing Aung) have left the organization. The ABSDF has never removed anyone from office for his or her role(s) in what took place. At the same time, the ABSDF has not made any statements or offered any material support to individuals facing potential law suits or sanctions because of their alleged roles in violations committed while serving in the ABSDF.

In more recent years, the ABSDF has begun to take steps to address the past. In 2013, the ABSDF issued an apology on behalf of the organization.

In 2012, the ABSDF leadership agreed to allow the formation of the Truth and Justice Committee to look into the events more closely. The TJC hopes that this report is part of ongoing ABSDF efforts to acknowledge what happened and address violations.

Conclusion

The TJC is confident that the ABSDF Central Leadership was informed about events in the ABSDF Northern camp at the early stage of the arrests before it intensified. It was informed during the Third Conference. It is also clear that they failed or did not have interests to take adequate measures to prevent or stop the whole course of the arrests taking place in the ABSDF – Northern. The TJC believes that the incidents might have been prevented if the ABSDF leaders of the Third Conference paid enough attention to the message they had received.

The TJC acknowledges, however, some of the efforts made during and after the Third Conference. This includes the sending of a message to the ABSDF – Northern assigning one of the delegates, Kyaw Kyaw, to return and access the ground situation, and Dr. Naing Aung's visit to the ABSDF – Northern camp after the split.

The TJC is confident to say that the ABSDF – Northern acted alone in making decisions of making arrests, interrogations, including the February 12 executions, given the interviewed data, without getting consent or approval from the ABSDF – HQ. Dr. Naing Aung, fact on. However, the media release by Secretary 1 Aung Htoo and Dr. Naing Aung's statement in his capacity as Chairperson justified the executions of 15 ABSDF members on February 12, 1992, under the allegation of "the government spies" without corroboration. These statements completely failed to address the allegations of torture and the killings that took place during interrogations or to help to stop.

Individual Responsibility

The Truth and Justice Committee is not a legal entity and does not have the mandate or power to identify and assign individual responsibility for crimes and violations that took place within the ABSDF Northern camp in 1991-92. Only a court has the power to do so. Furthermore, although the TJC heard many allegations, it did not conduct investigations into individuals reportedly involved in human rights violations.

Yet the TJC acknowledges that individual responsibility is an important part of dealing with the past. Organizations are made up of individuals that must reflect and account for their role in past violations.

The TJC has chosen to publish a list of names of people involved in key ABSDF leadership structures during the incidents of 1991-1992 that were named in the Organization Responsibility section of this report. It does so to prompt a fuller discussion around accountability and promote future efforts to deal with the past.

The TJC has compiled these lists using information given in interviews and from official ABSDF documents. The TJC has done its best to verify these lists but acknowledges that there may be some inconsistencies and omissions.

ABSDF-Northern Central Committee

The TJC acknowledges that membership of the Central Committee changed during 1991-1992 when original members were arrested and replaced. An asterisk * next to a name denotes that that person was arrested and became a victim/survivor during 1991-92. Names in italics are believed to have been part of the meeting that made the decision to execute 15 ABSDF members on February 12, 1992.

1. Ar Seit /Tin Maung Aye, Information Department, killed August 1991) *
2. Aung Gyi, Fundraising Department, currently working with a Shan ethnic armed group,
3. Aung Swe Oo (Battalion Commander)
4. Htun Aung Kyaw (Chairperson, executed February 12, 1992) *
5. Kyaw Kyaw (Vice-Chairperson 2; now expelled by the ABSDF for alleged involvement in establishing a parallel organization)
6. Kyaw Kyaw Ohn (Sagaing Regional In Charge, killed, *
7. La Seng (Joint Secretary 2; currently Chairperson of the ABSDF [Northern] Working Group)
8. Myint Kyaw (Auditing Department)
9. Myo Win (Joint General Secretary 1 and Vice Chief of Staff, died in action, 1992)
10. Nay Dun (Fundraising Department, committed suicide while the TJC was negotiating an interview time with him, 2013)
11. Nyi Nyi Kyaw (Bamaw Regional In Charge, arrested and tortured, September 1991) *
12. Ronald Aung Naing (Chairperson and General Secretary)
13. Sein Aye (Moenyin Regional In Charge)
14. Soe Linn (Political and Organizing Department, arrested and tortured September 1991) *
15. Than Chaung (Vice Chairperson 1 and Chief of Staff, currently in Tharrawaddy Prison)
16. Than Lwin (Vice Chairperson 3)
17. U Sein (Judicial Department, died in detention October 1991) *
18. Yan Naing Soe, (Health Department)
19. Yeh Linn Aung (Shwe Ku Regional In Charge, arrested and tortured September 1991, *

ABSDF-Northern Intelligence Unit

1. Aung Soe Myint (Lance Corporal)
2. Kyaw Htin Oo (Lance Corporal, deceased)
3. Po Naung, (member)
4. Than Zaw (Sergeant in Charge, surrendered to the government but couldn't find his whereabouts)
5. Thet Lin (member)
6. Zaw Zaw Min (Lance Corporal, surrendered to the government but couldn't find his whereabouts)

ABSDF HQ Central Leadership 1991 1992 (Dr Naing Aung faction)

1 Dr Na ng Aung (Chairperson,

ABSDF HQ Central Leadership 1991 1992 (Moe Thee Zun faction)

1 Moe Thee Zun (C hairperson)

Reflections on ndividJa Accountab lity

During the course of its work the TJC asked those who had witnessed or were somehow involved n violations how they felt about their role n what took place Some were hesitant to speak on a persona level but many da med some sort of respons bil ty

Wh'e one former ABSDF-Northern Centra Committee member acknowledged h s ro e in decision-mak ng, he did not fee responsib e for the executions. La Seng told the Committee:

"I never chopped any prisoner with a sword. I have a clear consc ence. Clearly Myo Win did it a by h mself He did a claiming he took all the responsibility."

Some fe t that organ zationa accountab ity was the pr ority. As Dr Na ng Aung told the TJC.

"Mainly, the thing I want to high ght is if there were human rights violations nvolved, we have to apologize whether or not right or wrong of what we did I myself extended my apo ogies in the press conference and in the statement While I have never done for persona apology, apologized organ zationa y."

Similarly Aung Swe Oo also focused on the responsib lity of the ABSDF

"It was the Student Army before, and now sti l it is that I see Some of the former eaders have a ready passed away but some sti l are alive Some rema n in prison while some are taking eadership ro es in the organization We a l are accountab e to it, inc uding myself As long as the Student Army exists, we are al accountable wouldn't say it has noth ng to do with m;, it s concerned with everyone."

Wh'e others acknowledged their own role they a so felt that the Burmese government carried greater responsib lity La Seng told the TJC.

"Of course, as was one of eaders, I am a so accountab e for what had happened. They (survivors) are a so accountable Today, what I see s their (the government) intelligence s the most responsibe."

Pouk Kway had a similar view:

"We got involved and we shou d not deny it We know that we have to dea with it someday Everyone thinks that we are responsib e and a l those who got nvolved in it are. And the government is a so responsib e for it."

Others acknowledged their ro e n the context of the ABSDF-Northern, speaking about the r lack of H uman r ghts knowledge and ack of understanding of what was happening Ronald Aung Na ng told the TJC

"Speak ng overall, we couldn t tackle the whole situation very well. There may have been many peop e who d d not deserve to suffer Human rights violation occurred For that, am sorry The worst th ng was that the ABSDF-Northern d d not have any knowledge about human rights The first accountab e entity is the government while the ABSDF is the second one Be ng a eader, I am sorry and I apologize to those who did not deserve to suffer a those things."

Se'n Aye also reflected on his role as part of the ABSDF-Northern

"It was the decision of the Central Comm ttee [of the ABSDF–Northern]. Am I responsible? Yes, I am because had the responsibility Th ngs happened We did what we be eved n. We have to dea with the legacy good or bad. It doesn't matter how much we knew or we didn't. Of course we did not know a lot of things during the event. But we are accountab e for it."

One former ABSDF Northern member acknowledged the need for ongoing discussion around accountability. Min Htay told the Committee:

"We can't change the incident but we have to try not to let it happen again. This is the process that we have to deal with when seeking justice during the transitional period. During that time, everyone involved should take responsibility. No one should deny his or her involvement. As far as I know that government is also responsible, so are the people who got involved. So there should be some ways to have three-party initiatives [to address the past]."

Chapter 7 - Recommendations

4 Aut ne Dignity Repor 0 Comments A a

Recommendations

The report conc ades with a short l st of recommendat ons to pract cally address he inc dents that took p ace n the ABSDF Northern camp The Truth and ustice Comm ttee bel eves the fo ow ng recommendat ons are n the best nterests of the survivo rs the family members and the ABSDF as a who e

Daughter of Maung Sein shows her father's photo

To the ABSDF

1. Provide health assistance and rehabilitation services to survivors and the families of those killed
2. Officially renounce the ABSDF membership of those who had been taken away
3. Individuals responsible for violations must provide official apologies
4. Revoke the leadership position in Central Leading Committee of any person involved in violations in the ABSDF Northern camp. Bar any person involved in violations of the ABSDF Northern camp from holding leadership positions in Central Leading Committee in the future

To the government of Burma

1. Enact policy and legislation to provide rehabilitation* to survivors and victims of the ABSDF Northern camp and all victims of human rights violations
2. Recognize the report of the Truth and Justice Committee and support future initiatives for dealing with the past
3. Help to build a society that respects the Rule of Law and promotes accountability

To national human rights groups and civil society organizations

1. Actively support truth-seeking initiatives and investigations that shed light on human rights violations
2. Launch and/or promote initiatives that honor the victims and survivors of the ABSDF Northern camp, and all victims of Burma's conflict
3. Assist in providing psychosocial support and rehabilitation services for survivors and victims of violations in the ABSDF Northern camp and all survivors of human rights violations in Burma

Chapter 8 – Appendixes

5:15 AM The Dignity Report 0 Comments A+ a

Appendix (1) The list of the arrested

1. Ah Seit / Tin Maung Aye
2. Aung Koe
3. Aung Kyaw Myint
4. Aung Kyaw Oo
5. Aung Min / Htein Lin
6. Aung Mon
7. Aung Naing
8. Aung Phoe / Aye Thet Latt
9. Aung Win / Myint Myat Soe
10. Aye Kyaw
11. Aye Myint
12. Freddy Aung Than / Cho Gyi
13. Han Win Aung
14. H a Wa
15. Htay Myint Win
16. Htein Lin (Artist)
17. Htin Linn Aung
18. Htun Aung Kyaw
19. Htun Linn Soe
20. Htun Zan
21. Kan Myint Oo
22. Kh n Cho Oo
23. Kh n Maung Kyi
24. Kh n Maung Soe
25. Kh n Maung Th nt / Yar Pyae
26. Kh n Maung Zaw / Kho
27. Ko Nyi Nyi / Sama Ny Nyi
28. Kyaw Htay
29. Kyaw Kyaw M n
30. Kyaw Kyaw Na ng
31. Kyaw Kyaw Oo (Kathar)
32. Kyaw Kyaw Oo
33. Kyaw Myo
34. Kyaw Naing Oo
35. Kyaw San Oo / Ko Zin
36. Kyaw Swar Win Maung
37. Kyaw Thein
38. Kyaw Wai
39. Kyaw Win Swe / Phoe Kyaw
40. Kyaw Zin Htun
41. La Zon Gum Li
42. Lwin M n Thant
43. Ma Tu Tu
44. Maung Maung
45. Maung Maung
46. Maung Maung Khin / Da Tha

47 Maung Maung Kywe

48 Moe Kyaw Thu / Bo Bo

49 Moe Zaw Tun / Moe Gyi

50 Myint Thein

51 Myint Zaw

52 Myint Zaw Win

53 Myo Than Oo / Ko Myo

54 Myo Zaw Aung

55 Naing Aung

56 Naing [illegible]

57 Naing Win Aung

58 Nan Aung Htwe Kyi / Ma Nge

59 Nang Saw

60 Nyi Nyi Aung / Doe Zar

61 Nyi Nyi Kyaw

62 Nyi Nyi Naing

63 Ohn Kyaing / Okay

64 Paw Oo / Phyo Thet Pyne

65 Paw Thut / Aung Myint Tun

66 Pyae Sone Naing (aka) Pyi Soe Naing

67 San Lwin Lay / Sein Win

68 San Myint Ko Ko

69 San Myo Aung

70 San Win / Poe San

71 Si Thu Htun

72 Soe Kyaing

73 Soe Min Aung

74 Soe Moe

75 Soe Win Than

76 Soe Win Tun / Soe Lay

77 Thant Zin Moe / Ei Nwot

78 Thar Du

79 Thaung Myint

80 Thein Naing Cho

81 Thein Tun

82 Thet Aung

83 Thet Naing

84 Thet Tun

85 Thin Thin Nyi

86 Tu Tu

87 Tin Hlawing Moe

88 Tin Htun Aung

89 Tint Lwin

90 Toe Kyi

91 Tun Oo Khaing

92 U Sein / U Maung Sein

93 Wunna Zaw

94 Win Myint Aye / Win Myint

95 Win Naing Soe

96 Win Naung

97 Win Thein / A Shay Gyi

98 Yan Aung / Htun Aung Kyaw

99 Yan Shin

100 Yar Kort Ba (Non-ABSDF)

101 Yee Linn

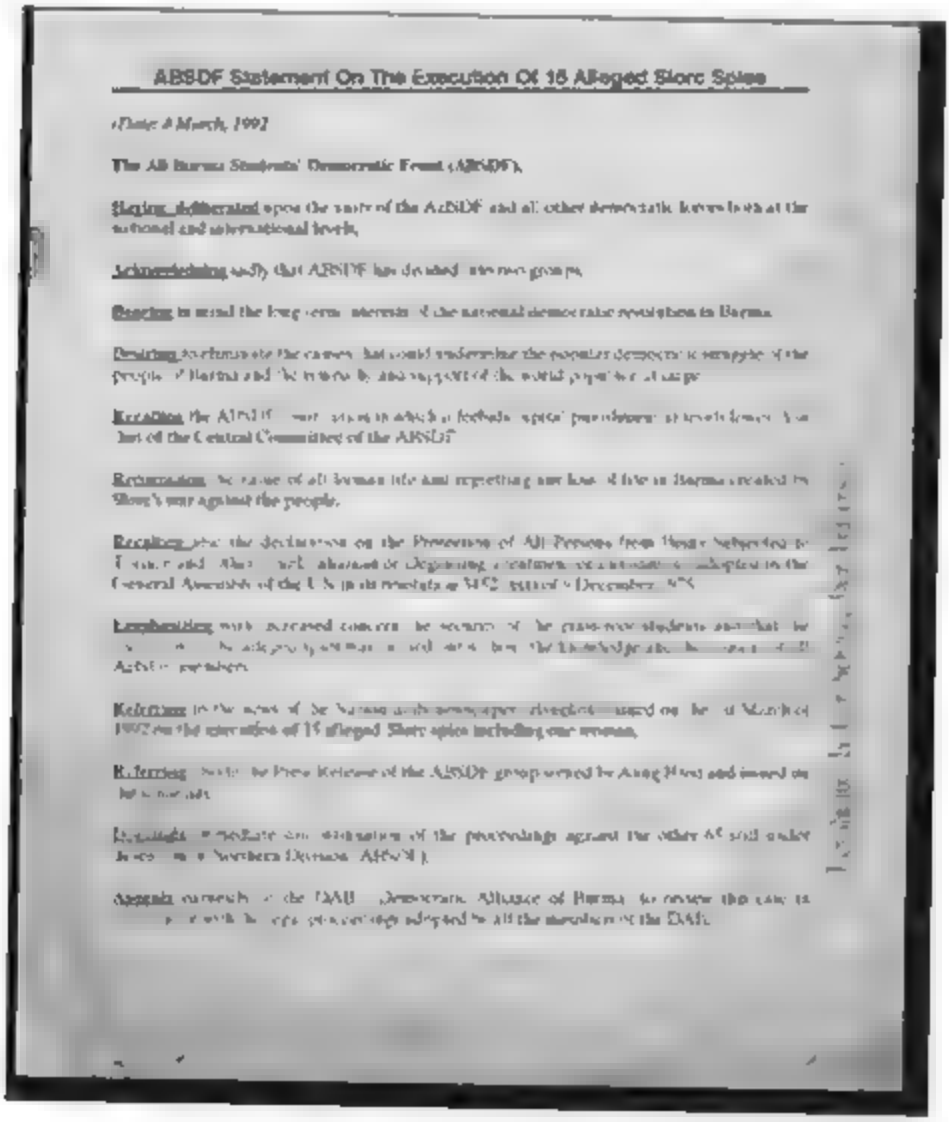
102 Zaw Gyi / Hla Myint

103 Zaw Moe

104 Zaw Tun

105 Zaw Win Chit

Appendix (2) Statement by ABSDF (Moe Thee Zun)



ABSDF Statement On The Execution Of 15 Alleged Shan Spies

(Date 8 March, 1992

The All Burma Students' Democratic Front (ABSDF),

Having deliberated upon the unity of the ABSDF and all other democratic forces both at the national and international levels,

Acknowledging such that ABSDF has decided two-way groups,

Bearing in mind the long-term interests of the national democratic revolution in Burma,

Desiring to eliminate the causes that could undermine the popular democratic struggle of the people of Burma and to receive the support of the world progressive people,

Recalling the ABSDF [illegible] which forbids spies' punishment at levels lower than that of the Central Committee of the ABSDF,

Reiterating the value of all human life and regretting any loss of life in Burma created by Slorc's war against the people,

Recalling also the declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment adopted by the General Assembly of the U.N. in its resolution 3452 (XXX) of 9 December 1975,

Emphasizing with increased concern the necessity of the grass-root students and the [illegible] ABSDF members,

Referring to the news of the Burma state-newspaper dispatch issued on the 4th March of 1992 on the execution of 15 alleged Shan spies including one woman,

Referring further to Press Release of the ABSDF group formed by Aung Htet and issued on the 6th March,

Envisaging immediate commencement of the proceedings against the other 45 still under detention in Northern Division, ABSDF,

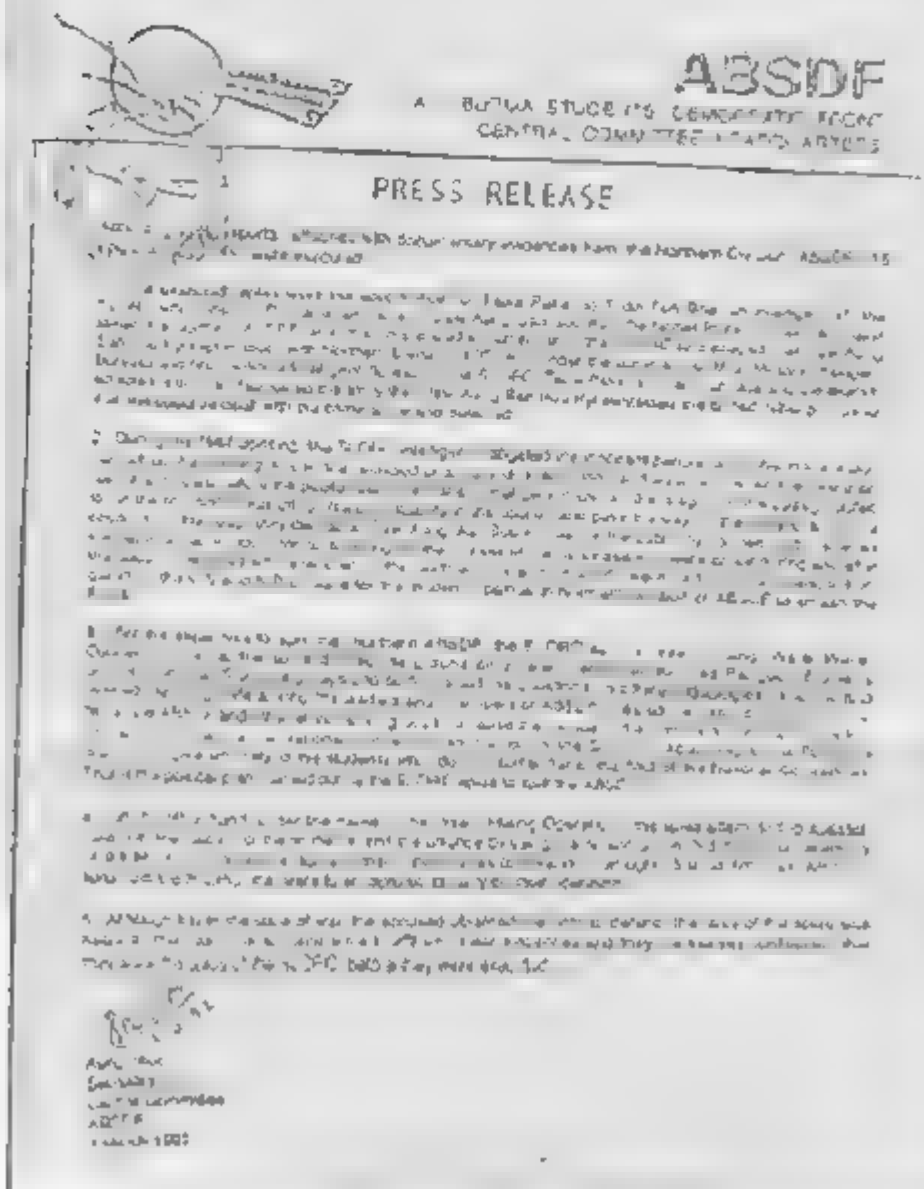
Appeals earnestly to the DAB - Democratic Alliance of Burma to review the case in accordance with the legal proceedings adopted by all the members of the DAB.

Appendix (3) Statement by Chairperson Dr. Na ng Aung

ABSDF

Press Release by the Chairman of the ABSDF
concerning with the spies (NGO) arrested in Northern ABSDF

Appendix (4) Statement by Joint Secretary (1) Aung Htoo



ABSDF

PRESS RELEASE

Appendix (5) Declaration of ABSDF (Dr. Naing Aung)

DECLARATION

1. The execution of [illegible] by the Northern Committee of the ABSDF has created much concern among the [illegible] friends of ABSDF [illegible] ABSDF Central Committee regrets that the actions and [illegible] participants in such [illegible] may have been degraded to such a state. The ABSDF is [illegible] to be totally and [illegible] [illegible] and [illegible] of violence and [illegible]. We are trying to establish a new and effective process that will prevent anything like this from happening again and to ensure that our members will truly create a new and more human rights oriented society.

2. All the comrades [illegible] the party, soldiers as well as the Northern Committee members [illegible] and they are [illegible] from contact with the international community and the positive influence that [illegible] but communications between them and the Central Committee are extremely difficult and other details [illegible].

3. Although the Central Committee received the report of the arrest upon from the Northern Committee we did not take action upon them as it [illegible] with the time of the Third Conference of the ABSDF. After the new Central Committee was elected and the Conference was over, the Central Committee prepared to take action systematically. As the [illegible] Northern area [illegible] and at the same time we had to [illegible] upon the defenses as the [illegible] [illegible] principles [illegible] we delayed to respond. Then the Northern Committee did not ask any order or request and [illegible] and executed the operation [illegible] principles of the organization. The Central Committee has to take responsibility upon the event.

4. [illegible] [illegible] [illegible]

Appendix (6) Statement on formation of TJC by the current ABSDF

ABSDF
All Burma Students' Democratic Front

[illegible]

[illegible]

[illegible]

၈။ ၁၉၉၂ ခုနှစ်တွင် [illegible] ဖွဲ့စည်းထားရှိခဲ့သော [illegible] ဖြစ်ပြီး [illegible] ဖြစ်ကြောင်း ကြေငြာအပ်ပါသည်။

၂။ ယခင်အဖြစ်အတိုင်း [illegible] ဆက်လက်ရပ်တည်ပြီး [illegible] ဖြစ်ကြောင်း ကြေငြာအပ်ပါသည်။

၃။ ဗဟိုအဖွဲ့ (ဘဝ/၂၀၁၂) စုဖြံးဖွံ့ဖြိုးရေးအစီအမံ (၂) အရ အမှုဆောင်အဖွဲ့ [illegible] ဖြစ်ကြောင်း ကြေငြာအပ်ပါသည်။

(က) [illegible]

(ခ) [illegible]

(ဂ) [illegible]

(ဃ) [illegible]

(င) [illegible]

၄။ [illegible] [illegible] [illegible]

Appendix (7) An official letter to those kılled by current ABSDF

ABSDF

All Burma Students' Democratic Front

ဆို

သတ်ဖြင့်ရာ စီသားရေ (ခဲဝသတ် ဖိုကြီး မကာတ (ကျောင်းသားသတ်ပစတော်) မြန်မာပြည်ဒေါ်ကြာကိုင်း)

ဝိဝိတို့ မြန်မာနိုင်ငံလုံးဆိုင်ရာ ကျောင်းသားများ ဒီမိုကရက်တစ်တပ်ဦး (ကျောင်းသားသတ်ပစတော်) ဟိုကော်ပတီမှ လေးစားစွာ သဘကြဉ်ကြားသပ်ပါသည်။

ဘုဂ္ဂ ဒုနှစ် မြန်မာနိုင်ငံလုံးဆိုင်ရာ ကျောင်းသားများ ဒီမိုကရက်တစ်တပ်ဦး (ကျောင်းသားသတ်ပစတော်) မြန်မာနိုင်ငံပြည်ဝင်ပိုင်ဒဲ့ ဖြစ်ပေါ်ခဲ့သော အဖြစ်အပျက်များတွင်၊ နှစ်များစွာကြာ ဒေသခံပြည်သူ ဒုက္ခသည်များ သက်ဆိုင်ရာ ကာယကံရှင်များ ဖိအားပေးမှုများနှင့်အတူ ဖိတို့ အခွဲအစည်းအဝေးနှင့် တစ်တုတ်ပုံနည်းလသို့ ယင်းကဲ့သို့. ပြဿနာဆောင်ရွက်ခဲ့မှုများအတွက် သဘောထားနှင့် ဝေးမန်းဆင်ပါသည်။

တည်ကြည်စေလေးစားစွာဖြင့်

ဟိုဝတ်ပတီ
မြန်မာနိုင်ငံလုံးဆိုင်ရာ ကျောင်းသားများ ဒီမိုကရက်တစ်တပ်ဦး (ကျောင်းသားသတ်ပစတော်)
ရက်စွဲ ။ ၂၀၁၃ခုနှစ် ဝေဖော်ဝါရီလ (၁၂)ရက်

Appendix (8) Timeline

ABSDF Statement On The Execution Of 15 Alleged Store Spies

Date 8 March, 1992

The All Burma Students' Democratic Front (ABSDF),

Having deliberated upon the unity of the ABSDF and all other democratic forces both at the national and international levels.

Acknowledging sadly that ABSDF has divided into two groups.

Bearing in mind the long term interests of the national democratic revolution in Burma.

Desiring to eliminate the causes that could undermine the popular democratic struggle of the people of Burma and the sympathy and support of the world community at large.

Recalling the ABSDF constitution in which it forbids capital punishment at levels lower than that of the Central Committee of the ABSDF.

Appreciating the value of every human life and regretting any loss of life in Burma created by State machinery and the people.

Recalling also the declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the General Assembly of the UN in its resolution 3452 (xxx) of 9 December 1975.

Emphasizing with increased concern the seriousness of the grass-root students and that the execution of the alleged spies was carried out without the knowledge and the consent of all ABSDF members.

Referring to the news of the Nation daily newspaper, Bangkok issued on the 1st March of the execution of 5 alleged Store spies including one woman.

Referring also to the Press Release of the ABSDF group based by Aung Moe and issued on the same day.

Demands immediate discontinuance of the proceedings against the other 65 still under detention in Northern Division (ABSDF).

Appeals earnestly to the DAB (Democratic Alliance of Burma) to review the case in accordance with the legal proceedings adopted by all the members of the DAB.

ABSDF

A [illegible]
CENTRAL COMMITTEE [illegible]

Press Release by the Chairman of the ABSDF
concerning [illegible] the spies those arrested in Jagdhara ABSDF

[illegible]

[illegible]

[illegible]

ABSDF

A ll BURMA STUDENTS DEMOCRATIC FRONT
CENTRAL COMMITTEE HEADQUARTERS

PRESS RELEASE

According to daily reports attached with documentary evidences from the Northern Division (ABSDF) 15 [illegible] were executed

1. The executed rebels were the accomplices of Tiger Pute @ Khun Pute Gha, an insurgent of the SLORC who had to [illegible] with the new Army Unit and by the name Pute himself [illegible] a series of ABSDF [illegible] in order to [illegible] and [illegible] [illegible] Pute was in touch with Northern Division ABSDF [illegible] under the command and [illegible] [illegible] (Retired) and Pute's activities [illegible] by the Date Army Battalion Kyi contacted [illegible] [illegible] [illegible]

ALL BURMA STUDENTS' DEMOCRATIC FRONT

DECLARATION

1. The execution of alleged spies by the Northern Committee of the ABSDF has created much concern among the international friends of ABSDF. The ABSDF Central Committee regrets that these executions happened and that faith in our democratic movement may have been degraded to some extent. The ABSDF is struggling for democracy and human rights and does not want these kinds of events to occur. We are planning steps to be taken to establish a new and effective process that will prevent anything like this from happening again and to insure that our revolution will truly create a new and more human rights oriented society.

2. At the same time we recognize the serious difficulties facing the Northern Committee in Kachin State - not only are they isolated from contact with the international community and the positive influence that can bring, but communications between them and the Central Committee are extremely difficult and often delay for many weeks.

3. Although the Central Committee received the report of the arrest spies from the Northern Committee we could not take action upon them as it coincided with the time of the Tribe Conference of the ABSDF. After the new Central Committee was elected and the Conference was over, the Central Committee prepared to take action systematically. As the trip to the Northern area is very far and at the same time we had to focus upon the defense as the Slorc troops fiercely attacked Manerplaw we delayed to respond. Then the Northern Committee did not wait any order or recommendation from us and executed the spies. But as the principles of the organization the Central Committee had to take responsibility upon the event.

4. To prepare our organization to be better prepared to deal with similar emergencies in the future, the ABSDF Central Committee is setting up a working group to study the present legal system and laws of Burma to draw up an alternative and more just legal system within our movement. We will try to anticipate issues that might arise in the future and design approaches to dealing with such issue in which will strengthen the democratization process in Burma.

5. We would like to emphasize to all people, friends and organizations both inside the country and through out the world that this event resulted from the worst possible social system created by Ne Win. Up to now all the oppressed people inside the country and we ourselves still remained as the victims of the military dictatorship. We ourselves are attempting to overcome under this situation and we also would like to appeal to all the people around the world who love human rights to help us practically for the establishment of a social system in Burma that can guarantee democracy and human rights.

6. Relating to the remaining spies, we have ordered the Northern Committee not to continue the execution. But on the other hand, we would like you to understand all the difficulties of the Northern Committee to keep them. We, therefore, would like to appeal to the people and organizations around the world to help us find ways to solve the difficulties of the Northern Committee.

Central Committee
All Burma Students' Democratic Front
17 March 1992

Continued from page 1 where

16	U Tha Seing	Twantay - 1, Rangoon Division
17	U Myint Kyi	Kama, Sagaing Division
18	U Myint Naing	Kanbalu - 2, Sagaing Division
19	U Than Pe	Kanbalu - 1, Sagaing Division
20	U Thaung Myint	Myaung - 2, Sagaing Division
21	U Than Tun	Thegon - 2, Pegu Division
22	U Aung San Myint	Myaung - 1
23	Daw Cho Kyi	Myaung - 1

ABSDF
All Burma Students' Democratic Front

မြန်မာနိုင်ငံလုံးဆိုင်ရာ ကျောင်းသားများ ပိုင်းခြားတိုက်ပွဲ ဗဟိုကော်မတီ

မဟာသဒ္ဓမ္မ(ဖြူဖားကိုင်း) အမြဲတမ်းဥက္ကဋ္ဌနှင့် ပထမတာဝန်ခံ

မဟာသဒ္ဓမ္မ(ကျောင်းသားသပ်မတော်) ဗဟိုကော်မတီ ၏ ထုတ်ပြန်ကြေငြာချက်

၁။ ၁၉၉၂ ဖေဖော်ဝါရီ မြန်မာနိုင်ငံလုံးဆိုင်ရာ ကျောင်းသားများ ပိုင်းခြားတိုက်ပွဲ ဗဟိုကော်မတီ (ကျောင်းသားသပ်မတော်) မြန်မာပြည် ဖြောက်ဖိုင်ရှိ မြစ်ပေါ်ဒေသ အခြေစိုက်များအတွင်း နှစ်ရှည်လများ သာသာယာယာဖြင့်သည် ဖဲ့ဝင်များ သက်ဆိုင်ရာ ကာယကံရှင်များ ဒီမိုကရေစီမူများနှင့်အတူ ဗဟိုကော်မတီအသင်းအရပ်ဖြင့် ထင်ရှား ဝန်ရှည်ခဲ့ရာတွင် သင်းဝဲဝါဒဖြန့်ဝေတက်ကြွလှုပ်ရှားခဲ့သူများအတွက် အလေးအနက် ထောက်ခံအပ်ပါသည်။

၂။ ထင်ရှားခြင်းစွမ်းရည်များသည် ကောင်း(ကျောင်းသားသပ်မတော်)၏ ဆိုင်းဘုတ်ဆိုင်ရာ ကိုယ်ခြားလည်ပုံနှင့် ယင်း ဗဟိုကော်မတီအသင်းအတွင်း ဝေယျာဝစ္စကောင်းမွန်စွာ ဆောင်ရွက်ခဲ့ကြသော ဖဲ့ဝင်များအတွက် အလွန်ဝမ်းနည်းကြောင်း ဝမ်းနည်းစိတ် အလေးအနက်ဖြင့် ထပ်လောင်းထုတ်ဖော်ပြုပါသည်။

၃။ တိုင်ကြား ဝေဖန်တင်ပြခံရသည်အား (၀/၂၁၁၂) တုံ့ပြန်ချက်အတွက် (၂) အရ အမှန်တရားနှင့် တရားမျှတမှု စောင့်ထိန်းရေးလုပ်ထုံးလုပ်နည်း ၂၁၁၂ ဖွဲ့စဉ် စဉ်ခုနစ်မြောက် (၀) ပုဒ်အရတွင် ဆောက်ယိုးထွဲမှုမျိုးများကို စောင့်ရှောက်နိုင်ရန် ဒဲ့ရည်ဘာဝနံဆောင်အားဖြင့်ပြဋ္ဌာန်းသည်။

(က) သမိုင်းအရာရှိတဦးတည် အကြောင်းရင်းအကျိုးဆိုင်ရာ ပြဿနာများကို ဖုံးဖိထားလုပ်ဆောင်ခြင်း

(ခ) ဖြစ်ပေါ်လာသည့်ပုစ္ဆာအားလုံးအတွက် တရားမျှတမှုရှိ အမှန်အရာသာ ပေါ်ထွန်းစေရန်

(ဂ) သက်ဆိုင်သူများအား နာလည်ဝေဖျော်မှုရှိ ပြန်လည်ဆင်ခြင်တုံတရား ရှိစေရန်

(ဃ) ဓာတ်ဆား ကျောင်းသားများ နှင့် ပြည်သူလူထုအတွက်၊ ဒိုင်ယာလော ဆည်းလည်ဘြာတ်ပုတို့ ထိန်းသိမ်း ထည့်သွင်းထားတတ်ရန်

(ဇ) အများပြည်သူအနေဖြင့် ကာယကံရှင် ကာယံလူ နှင့် ကာယံရှ အကဲဖတ်ခြင်းများ ပေါ်လွန်း လာစေရန် - တိုက်တွန်းသည်။

၄။ ဘိုကြီးဆိုခဲ့ သဒ္ဓမ္မကာလတွင် ယင်းတို့ရုပ်ပိန်းလျင်းခဲ့ အများအားဖြင့် တရားမျှတမှုများ ဆောင်ရွက်နိုင်ရေးအတွက် သက်ဆိုင်သူများအား၊ ပုဒ်ပွဲပြိုင်မှု၊ ပြည်သူတွေ့ဆုံ ‹ဝိတ်ပေါ်ကြွယ်ရှင် ဗိမာန်တော် ပြဿနာများတို့မှာ အကူအညီ ပုဒ်ပေါ်ဆောက်ရွက်ကြသဖြင့် အလေးအနက် တိုက်တွန်းလှုံ့ဆော်သည်။

ဗဟိုကော်မတီ
မြန်မာနိုင်ငံလုံးဆိုင်ရာ ကျောင်းသားများ ပိုင်းခြားတိုက်ပွဲ ကော်မတီ (ကျောင်းသားသပ်မတော်)

ရက်စွဲ ။ ၂၁၁၂ ဖွဲ့စဉ် ဇော်ဘင်းသားဝ (၇) ရက်။

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ရို့.

သက်ဆိုင်ရာ စီသာစု (ခဲ့ခဘ် မိုးကြီး ဝကဒတ (ဒကျောင်းသားတပ်မတော်) မြန်မာပြည်ဝမြောက်ပိုင်း)

ပိဝိတို့. မြန်မာနိုင်ငံလုံးဆိုင်ရာ ကျောင်းသားများ ဒီမိုကရက်တစ်တပ်ဦး (ဒကျောင်းသားတပ်မတော်) ပဟိုကော်မတီမှ လေးစားစွာ အဝေးကြည်းကြားအေပါသည်။

၁၉၉၂ခုနှစ် မြန်မာနိုင်ငံလုံးဆိုင်ရာ ကျောင်းသားများ ဒီမိုကရက်တစ်တပ်ဦး (ဒကျောင်းသားတပ်မတော်) မြန်မာပြည်မြောက်ပိုင်းမှ ဖြစ်ပေါ်ခဲ့ခဘ အဖြစ်အပျက်များအတွင်း နစ်နာဆုံးရှုံး ဆသက်ဝေးသွားခဲ့ကြသည့် ဒေါ်ခဘ်များ သက်ဆိုင်ရာ ကာယက်ရုင်ရာ။ ပိဘဝဆွေမျိုးများနှင့်အတူ ပိဝိတို့. ထဆွဲ့အဝည်းဝေနဖြင့် ထပ်တူဝမ်းနည်းရသလို ယင်းကဲ့သို့. ဖြစ်ရွင်းစဆောင်ရွက်ခဲ့ပုများဆတွက် အလေးအနက် ဖောင်းပန်အပ်ပါသည်။

တည်ကြည်ဝလေးနက်စွာဖြင့်

ဗဟိုဝတော်မတီ
မြန်မာနိုင်ငံလုံးဆိုင်ရာ ဒကျောင်းသားများ ဒီမိုကရက်တစ်တပ်ဦး (ဒကျောင်းသားတပ်မတော်)
ရက်စွဲ ။ ။ ၂၀၁၀ခုနှစ် ဒဇော်ဝါဆိုလ (၁၂)ရက်

Appendix (8) Timeline